

A TREATISE OF VSVRIE,

DIVIDED INTO THREE
BOOKES:

The first defineth what is Vsurie.

The second determineth that to be unlawfull.

*The third remoueth such motiues as perswade men in
this age that it may be lawfull.*

By ROGER FENTON Bachelor of
Diuinitie.

Chrysoft. super Matth.

*Fœnerare, non fratri, sed Domino. Hæ enim usura regnum;
illa Gehennam preparant.*



AT LONDON

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TO THE RIGHT
HONORABLE SIR
THOMAS EGERTON, KNIGHT,
Baron of *Ellesmere*, Lord high Chancel-
lor of England, one of his Maiesties right
Honorable priuie Counsell, and my
singular good Lord.

Right Honorable: the que-
stions and controuerfies
wherewith the Church is
in continuall trauell, and
which do make our pens
so rheumatike in this
writing age; be for the most part, matters
of speculation, residing in the braine, the
coldest region of the little world; and dis-
solving Religion into matter of discourse,
not of deuotion. For euery mans Quære
is, not as of old, in the daies of ^a *John Bap-*
rist, of ^b *Christ*, of his ^c *Apostles*, *What shall*

A 3

We

^a Luk. 3. 10

^b Luk. 10.

27.

^c Act. 2. 34.

The Epistle Dedicatorie.

we doe? but what shall we thinke? As if the Gospell were not *Christiana lex*, but *Christianum dogma*. Whereas cases of conscience, doe sleepe with conscience, which of all questions are most profitable, and least regarded: so loth are men to restraine affection, and limit their actions. Yet of all such cases this of Vsurie hath most need to be reuiued. For in this, the custome of sinning doth not onely take away the sense, but the acknowledgement of sinne: so as the meere practise of it, hath made an apologie for it; without either sound reason, or good authoritie.

1. King. 18.
18.

This very inducement which perswadeth others that Vsurie is lawfull, hath moued me to write against it, fearing the losse, not onely of so much truth (which I would willingly helpe to redeeme:) but of so many soules amongst whom I liue. So farre therefore I doe presume in this businesse to trouble *Israel*, as to tell the people what is the truth in this point, and the perill of their practise. Wherein they haue so intangled themselves, that they know not well how

The Epistle Dedicatorie.

how to leaue it. If we then cannot deuise to make that good, which they haue made necessarie, they will be angrie. Seeing them therefore thus securely to lull their consciences, I am bold a little to disquiet them.

A businesse so thanklesse, and distastfull as this must needes be, (right Honorable and my singular good Lord) doth require a worthie Patron. And of whom may I desire the patronage of my labours, but of your Honour? whose I am, and to whom I owe all dutie and seruice. Of whom should I desire the patronage of these labours, but of your Honour? who are in place to reforme this sinne, more by the very countenance of Authoritie, then wee can with all our endeouours. From whom can I receiue more encouragement in these labours, then from your Honour? whose integritie hath manifested it selfe with zeale against this sinne: whose iudgement will not bee blinded with those forged distinctions of *poore and rich borrowers*: of *toothlesse and biting Usurie*, &c.

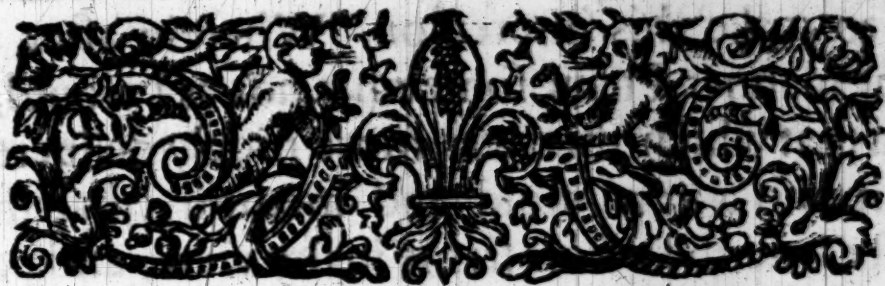
Let these poore endeouours then finde
fauour

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fauour in your eyes; not for their owne
fake, being vnworthie: but for the cause
which I haue in hand. It is the cause of God,
and the common good, worthie so hono-
rable a Patron. Whom I beseech the Al-
mightie long to preserue, a pro-
tector of good causes in
conscience and
equitie.

Your Honors most bounden
and dutifull Chaplaine,

Roger Fenton.



THE PREFACE TO THE CHRISTIAN READER.



Entle Reader; thy gentlenesse
and patience is much exerci-
sed in these times, with the
multitude of bookes; which
men say they bee commonlie
forced to put vpo thee by the
importunitie of their friends.

This to me is no reason at all,
for the publishing of this Treatise: and indeed they
whom it most concerneth doe least desire it. Yet
three motiues I haue which may make sufficient
apologic for me.

1 First, seeing the haruest of Vsurers in these
parts to be great; at *S. Stephens* in Walbrooke, the
heart of this Citie, I began to labour in this point.
By their flocking to those Sermons, they seemed to
be ripe, and euen *a white vnto the haruest*. But when
men assemble after the *Athenian* fashion, it com-
monly proueth a solemne hearing, and a solemne
forgetting. Notwithstāding, perceiuing afterwards
those poore labours to haue made some little im-
pression in the minds of the better sort; I was mo-

B

ued

^a Ioh. 4. 35.

^b Act. 17.

21.

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ued to make this impression. Wherein after my plaine manner, I haue somewhat, not as I would, refined that which then was more rudely deliuered : cast it into a new mold and method, that thou maist carrie the whole frame in thy view, and passe more easily from point to point : and added much more, then in the throng of other busines I could, at that time, thinke vpon.

* Iob 4.12.

2 A second motiue hath been the mistakings of some, which haue occasioned misreports ; as if in the end I concluded nothing, or defended some kind of Vsurie. Which censures I may impute vnto two causes. The first is ordinarie vpon these occasions, where the most attentiuē may say, as wise and learned *Eliphas* said of himself : * *Mine eare hath receiued a little of it* : for part of that which is only spoken, must needs vanish in the aire, before it can bee fullie fastned in the minde, and fitted to the whole frame and current of speech. 2 Another cause is, the narrownesse of the point in question. For euery question, as the learned know, hath a point which is scarce diuisible. Comming therefore precisely to cut an vsurious act from such lawfull couenants as doe next adioyne vpon it, the passage is so narrow, that we might easily mistake, or bee mistaken. Notwithstanding thus farre I must appeale to the auditors which then was ; that when I came to those straites at the conclusion and determination of the question, purposely to auoid these misconceits ; I did often iterate and beate vpon the maine conclusion, that, *all Vsurie properly so called, is simply unlawful.* But howsoeuer it was either not so exactly deliuered,

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red, or distinctly taken, as it should : the onely remedie which now remaineth, is to exhibit the effect of that in writing which then was said; that such as make scruple, may at their pleasure, and best leisure, pause vpon it.

3 Last of all, after that by the handling of this point in publike, I had troubled the waters, and stirred vp the minds of men to giue censures according to their seuerall apprehensions; I haue taken time to obserue what yet could further be vrged for vsurie; or obiected against that which then was deliuered: whereby being better furnished by reason of matter newlie ministred, then at the first I could; I thought it part of my dutie to giue better satisfaction in this kinde, and to meet with such probabilities as are, or may with any colour bee suggested. Amongst which, if I could find any ground of reason, for the defence of any Vsurie at all, I would most willingly either acknowledge it, or be silent. Hitherto I haue found none; but discharged my conscience according to my simple knowledge. My reward shal be manifold censures no doubt: for what other can be expected in so vnpleasing a matter, and amidst so many aduersaries? Aduersaries, I say, not in affection or argument, but in action. So as being thought ouer busie in this businesse, I feare I shall be occasioned to take vp that text of Scripture, though I hope in a farre other cause: *Thus was I wounded in the house of my friends.* Bee they friends, or bee they strangers, who are any waies touched in this point; let them strike with the tongue, and wound at their pleasure; I shall thinke my selfe well apaid, if I can cause them

Zach. 13. 6.

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but to feele those wounds which they haue made in their owne consciences, by this sinne.

This Treatise (Christian Reader) is not so large as to require a table, though it be tedious. Howbeit to giue thee some direction (besides the order of the generall heads before the booke) the last chapter being a brieft of the premisses, with reference in the margine to the seuerall places, where the points bee more fully handled; may serue in stead thereof.

So wishing that thou maist reade with a single eye; iudge of what thou readeest without affection; and conforme thy affection to right iudgement: I commend thee to the spirit of grace, whom I beseech, according to the right, to guide and sanctifie the actions
of thy life.

Grasse Inn, August 20. 1611.

R. F.



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A TREATISE OF VSVRIE, DIVIDED INTO THREE BOOKES:

The first defineth what is Vsurie.

CHAP. I.

An entrance into the matter.



When the Sonne of God spake vnto vs in his owne person conuersing as man amongst men, his preaching was with that maiestie and authoritie, that it was euermore admired, but neuer derided, sauing onely when hee spake against the seruice of Mammon; then and only then, ^a *the Pharisees which were couetous mocked him.* Small encouragement therefore and little fruit of their labours are simple sinful men like to haue, who presume either to preach or write against so gainfull a trade as Vsurie is.

^aLuk. 16. 14

Notwithstanding though wee seeme to labour in vaine and catch nothing; let vs at the ^b Lords commandement *cast out againe on the right side of the ship.* For Iesus standing vpon the shore may happely perceiue some scole of fish comming on that side, whereof there is some hope. And verely by their comming there should be great hope: for they will resort in great multitudes to heare these points discussed in pulpits. They will suffer vs to cast the net ouer them; but alas they runne themselves so deep into the mud, that it cannot get vnder them to dragge them out. *Sonne of*

^bIoh. 21. 3.
ver. 16.

Ezek. 33.

31.

man saith God to *Ezechiel* they come vnto thee as the people use to come, and my people sit before thee, and heare thy words, but they will not doe them: for their heart goeth after covetousnesse.

Besides this, the gaine of vsurie is a sweet gaine, without labour, without cost, without peril; *omne vult punctum*; it is so pleasant and so profitable a sinne, as I perswade my selfe we shall neuer be able to perswade, though wee doe perswade, that it is a sinne.

Adde moreouer vnto this, that supposed necessity which the custome of vsurie hath brought vpon vs, in so much as citie and countrie is not onely stained with this sinne (for stains may be got out) but it is so wouen and twisted into euery trade and commerce, one mouing another, by this engine, like wheelles in a clocke, that it seemeth the verie frame and course of traffick must needs bee altered before this can be reformed.

Mar. 16. 3.

Quis remouebit nobis hunc lapidem? That wee may forsake this sinne and come vnto Christ by repentance, who shall remoue this great difficultie, which the iniquitie of times by the continuance of this practise hath laid in our way? For if the wise Sages of the Parliament in the 13. yeere of *Queene Elizabeth*, vtterly condemning all vsurie, in the preface, as vnlawfull; were faine notwithstanding, in the end of that Statute, to tolerate the same in the case of Orphants, according to the custome of Cities; and to passe it ouer unpunished; because they knew not conueniently how to reforme it: how much more may it seeme in many other cases necessarie to be tolerated in these daies? since it hath eaten deeper into the hearts of Mammonists, and spread further in all commerce betwixt man and man, then euer, amongst vs, in any age before. And if law or Magistrate by dispensation or conniueance, shall seeme but to suffer it; it will presently be conceiued of, as a thing allowed. For vulgar conceits make but smal difference betwixt a toleration and an approbation.

This aduantage then hath the diuell gotten against vs in the

the practise of this sinne; that vsurie being a trade so gainfull in respect of others, so easie, so cheape, so secure without all labour, cost, or perill: being also so common, behouefull, and requisite in these times for all occasions; it hath bewitched euen the consciences of those who are most tender in other matters. For if the heart and affection be once wonne and possessed, it is an easie matter euen by slight proofes to turne the braine. *Quod nimis miseri volunt hoc facile credunt*: Strong affection giueth great credit to weake arguments. Whereas indeed it ought to bee contrariwise; that our naturall pronenesse, and the generall inclination of the world to this practise of Vsurie, should moue a well tempered iudgement the rather to suspect the lawfulnessse of it, and the soundnesse of such reasons as are brought for it. *Perit omne iudicium cum res transit ad affectum*: Men looking by affection looke through a mist or a painted glasse; to whom nothing appeareth in his native colour and due proportion.

Senec. in
Hercules
furens.

But were it not for these grosse fogges, which vapour out of the nether part of the soule, and from that which the Apostle calleth the *root of all euill*; those fallacies and sophistications which the patrons of vsury haue cast vpon vs, I conceiue might easily be dispelled, both by the beames of Gods law, and by the twilight of nature. Let vs therfore do our poore endeouour to enforme the vnderstanding by euidence of argument; desiring God, by his spirit of grace, to reforme the affection, which is the greatest worke in this businesse.

1. Tim. 6
20.

What that vsurie is whereof wee dispute; and Whether it be of it selfe simplie unlawfull; bee the two points wherein the vnderstanding desireth to bee resolved. And it is a question which of these two questions is the greatest. This is certaine, both are necessarie. The former therefore must not bee omitted, or slightly passed ouer: neither in respect of the name, nor of the nature, seeing it may be some

what enlightened by the very name, though more fullie determined, by the receiued definition of vsurie.

CHAP. II.

Of the names of Usurie.



When *Adam* in Paradise did first giue names vnto things, they were so significant and expresse, as if nature her selfe had spoken. But since the fall, a libertie remaining in the sons of *Adam* to terme things as it pleased them to conceiue, God likewise and his Angels vouchsafing to speake with the tongues of men, to the end that men might conceiue them: euer since, I say, names haue been no definitions. Yet notwithstanding they may hold the candle, and giue some light vnto that whereof wee are to intreate: which in our English tongue is most properly termed by the name of Usurie. But whatsoeuer the matter is, the more that men haue been in loue with the thing it selfe, the more haue they purposely declined and auoided this name. They will not call it Usurie, lest the word should be offensive, or make the thing odious. But it shall be termed Use or V-
fance in exchange, which are smooth words as oyle, neuer a biting letter in them. Or it shal be called Interest, or Consideration, which are ciuill and mannerly termes, though by them they meane indeed nothing else but plaine Usurie.

This deuice was not first hatched amongst vs in England, for it is the very same which Master *Caluin* hath obserued before among the French. His words bee these:

8 *Caluinus*
in *Ezek. 18*

8 *Quia nomen fœnoris Gallis fuit incognitum, nomen usurae etiam, detestabile fuit. Galli ergo excogitarunt nouam astutiam quasi possent deum fallere: nam quia nemo poterat ferre usurae nomen, posuerunt interesse. Iam quid significat interesse? omne genus fœnoris: Because the proper Latine name of Usurie (fœnus) was vnquoth to the French, therefore the name*

even

euen of vsurie was detestable. The French therefore haue deuised a new trick, as if they could beguile God himselfe: For because no man could endure the name of vsurie, they haue put in place thereof, interest. Now what doth interest with them signifie? All kinde of vsurie. Men be neuer good who vse to change and shift their names; but are euer held for suspected persons and shifters themselues. For hee who is ashamed of his name, his name commonly may be ashamed of him. So is it proportionably in professions. He that is an Vsurer, if you aske what he is, or of what profession; he would not be so termed; what shall we call him then?

Some call him *a man that putteth out his money*. That is ambiguous. He may put it out, as the Lion putteth out his claw; and then well is hee that commeth not neere his grate. But most commonly he is termed, *one that liueth vpon his money*; which is without all exception. For as the Gentleman liueth vpon his rents; the poore labourer vpon the sweate of his browes; the Merchant and Tradesman vpon their aduentures, skill, and industrie; the Husbandman and Grasier vpon the increase of the earth, and breed of cattell; so doth the Vsurer liue vpon his moneis: which doe yeane, and soale, and calue vnto him once in fixe moneths at the furthest.

And because the name of Vsurie doth trouble mens consciences much more then the thing it selfe; some haue deuised a new trick of learning, as if there were some reall and materiall difference betweene the gaine of vsurie, and of the vse of money; imagining that *usura* in Latine is deriued *ab usu rapiendo*, and that the Latin condemneth snatching only, as the Hebrue doth biting; insinuating thereby that such vsurie only is forbidden, which is a greedie catching and snatching of gaine by hooke or crooke. Whereas *usura* in truth is nothing but *usu rei* primitiuelly taken for the vse of other things as well as money. And so was *usura* originally a good honest word, vntill vsurie did marre it: as wee may obserue it doth in time disgrace any terme or name that is put vpon it.

*h usura lu-
cis: Cicero.
uxor usu-
raria.
Plaut.*

§. 2.

The proper Latine terme for vsurie is *fœnus*, so called in the iudgement of Grammarians, as if it were *fœtus pecunia*, the brood of money. And in the same sense did the Greekes call it *τόκος*, ἀπο τῆ πίλειν: which signifieth *to breed*, or *bring forth*. I am not ignorant how some would deriue *τόκος* of the Hebrew *Toc*, which signifieth *oppression*; as if vsurie were not to be misliked for it own sake, vnlesse it might be conuicted of some sensible oppression. And I must needs confesse that in the 12. Psalme, vers. 14. I finde *Toc* translated *τόκος* by the Greeke Interpreters. But they are not constant therein: for in the 10. Psalme, vers. 7. *vatoc* is by them, translated *ὁ δόλος*.

And therefore let vs rather follow the generall consent of Grammarians, who fetch it neerer hand, taking the nowne from the verbe. For it is a safe rule for Etymologies, when there is so neere affinitie at home in the same tongue, neuer to trauell abroad, or take so much paines to fetch it from strange languages: like some great spirits of our time, who will haue their names deriued from some ancient famous Romane, though originally they were taken from some notable hillock, or mossie quagmire, before their great grandsires doore. Etymologies and Metaphors bee alike in this, if they be too farre fetched they are vnkinde. Besides, the primitiue signification of *τόκος* is, birth. As appeareth by ⁱ Homer and ^k Aristotle. Next it signifieth the issue it selfe, as the first borne is called * *τοτόκος*. According to these two significations the learned haue giuen a double reason of this name. S. Basil and S. Ambrose amongst the ancient; *Aretius* and others of the later writers, fetch it from the paines, and sorrowes of trauell. *Græci appellant vsuras τόκος, eo quod dolores partus animæ debitoris excitare videantur*: The Grecians (saith S. Ambrose) call vsurie *τόκος*, birth, because it brings the pangs of trauell vpon the soule of the debtor. *Metaphora ducta à parturientibus; qui soluit enim, soluit summo cum dolore & sudore, &c.* A woman in trauell (saith ^l *Aretius*) doth not sweate and labour to bring forth

ὁ τοτόκος
μήτηρ & πρὶν
εἶδεν τόκος.
Ili. 2.

κ' ἐν τοῖς τό-
κοις αἱ γὰρ
πονῆσαι τε
πολλάκις καὶ
διαβρισησά-
μενοι.

Polit. 7.

* Luk. 2. 5.

Ambros.
lib. de To-
bia. cap. 12.
1 Problem.
de vsuris.

foorth with greater anguish of minde, then a debtor compelled to bring home the principall with increase.

^m S. Basil maketh moneths the only fathers to beget, and borrowers, the mothers to bring foorth this vnnaturall brood of vsurie. *Vnnaturall* (saith that Father) *even as the brood of vipers which eate through the entrails of their mothers: so doth the borrower bring foorth for the Usurer, to the destruction of himselfe and his familie.*

^m In sup-
le. Psal. 15.

But the most generall conceit is, that the Greekes and Romanes gave the names of *τοκός* and *fœnus* vnto vsurie, because of the ancient opinion which the learned had amongst them: namely, that this vsurious increase of money, which is neither fruitfull by nature, as land and cattell: nor fit for any other secundarie vse, as to feede, or to cure, or to clothe, or to shelter; but onely to procure such things as haue increase and vse in themselves: that such increase (I say) of so barren a thing, as they conceiued money to be, is vnnaturall. Which position of theirs, though it be not the plainest demonstration that wee haue against vsurie; yet I conceiue wee shall finde much more in it, then they that make the lightest account of it, are ware of.

§. 3.

Come we in the last place to the head spring and originall of all names. For if names can expresse the nature of this sinne, doubtlesse those names of all others must doe it which God himselfe hath vsed in the primitiue tongue, and especially in his law: where he euer vseth the best congruities of speech.

In the first law giuen against vsurie it is forbidden vnder the most significant terme of ⁿ *Neshec*, deriued from a word which signifieth *to bite*; because money so lent commeth not emptie home, but biteth off, gnaweth away, and bringeth with it some part of the borrowers wealth and substance; who if he cannot lick himselfe whole againe, and cure his wound with biting others, (as commonly they doe) he feeleth in the end to his greater grieve that which at the first he could not perceiue.

ⁿ Exod. 22.
25.

• Auctor o-
peris im-
perfecti in
Homil. 12.

• *Aspidis morsui similis est pecunia usuraria: qui ab affide percussus, quasi delectatus vadit in somnum, & sic per suauitatem soporis moritur:* He that is bitten by vsurie (saith S. Chrysostome) is as he that is stung of a serpent: it lulles him asleepe so sweetly and securely, that the poore man is vndone before he be aware. It is well compared (by Baldus) to the little worme that breedes in wood with a soft bodie and hard teeth, which gnaweth secretly the very pith and inward substance of the tree, the barke and outside standing intire. What gallant shewes doe many men make in these daies with other mens money thus borrowed? who, if euer y bird should fetch his feather, would be as naked as *Æsops* Crow. For when death heweth them downe, their estate proueth like a hollow tree; no sound timber for posteritie to build withall. For why? this worme of vsurie hath gnawed away their substance. Verely money thus taken vp is like a new peece put into an old garment, which being taken away: the rent is made worse. It patcheth vp his necessitie for the present, but after leaueth his estate so ragged and rent, that he is in worse case and more beggerly then euer he was before.

This biting or gnawing, because it is not alwaies sensible, much lesse mortall, (for there bee moates as well as beames in all sinnes which cannot so well be discerned) therefore some subtile wits haue deuised a new distinction to please the world. As if there were some toothlesse and harmlesse vsurie without the compasse of the word *Neshec*, and without the meaning of the law of God: as if God had neuer meant to condemne Vsurers, but onely to muzzle them for biting. So as, if lender and borrower be both gainers, who hath cause to complaine? and why may not Christians then practise so harmlesse and innocent a trade? and for that vsurie which is condemned by the name of *Neshec*, if these men had the christning of it, they would haue called it by the name of *Morsura*, not *Usura*.

One point then in question (when we come to the matter will be, whether it be not the nature of all vsurie to bite?

bite? though with great difference; some like the English mastiue, some like the dogge-flye; some scarce sensible, and therefore not perceiued to be a sinne.

1. First, because many are content to moderate themselves in this gaine, and then, if it be a sinne, it is but a little one. As Lot said of Zoar, *Is it not a little one, and my soule shall liue? Modica sunt qua perdunt nos*: They be those little ones that vndoe vs. A moate in the eye if it be not got out in time, may grow to a pin and web; and a mans conscience may suffer shipwrack as well vpon a sand as vpon a rock. A rock is a great one, a sand is a heape of little ones. He that once or twice hath taken extreme vsurie to the sensible and apparent oppression of his brother, hath runne his conscience vpon a rock. But he who to auoid that Scylla, wil take but a reasonable moderate conscionable vsurie, (like an honest kind robber, who alloweth a man part of his owne money back againe to beare his charges) and thus resolue to liue vpon this practise; he by heaping vp moderate finnes, wreaketh his conscience vpon a sand; and so sinking into this sin by little and little, his soule is at length easily swallowed vp, without sense or feeling at all.

2. Secondly, it is not euer so sensible, because as the Vsurer moderating himselfe doth not seeme to bite the borrower: so the borrower relieuing himselfe by others, hath no cause to complaine. Yea many borrowers concurring in this practise, by their very multitudes, are able to sway and inhaunce the market, in such manner, that they may liue themselves and pay the Vsurer besides. So that in conclusion those doe all set vpon the Common-wealth: which being a great bodie, is able to beare many dogges, before she need to complaine; and feeling the wound (as in time she must) she knoweth not well of whom to complaine. Burdensome therefore it is to the Common-wealth: yet so dispersed amongst many, that it is the lesse sensible, but neuer a whit the more allowable.

For these and the like causes the biting of vsurie being sometimes not so sensible to particular persons, Almightye

D

God

Gen. 19.
20.

*Multorum
manibus
grande le-
natum.*

1 Ezek. 18.

17.

Cap. 22. 12

+ Plo. 28. 8.

God in his wisdom foreseeing how readie men would be to cavill at the word *Neshec*, hath of purpose expressed his meaning more fully by the exegeticall addition of another terme, which simply signifieth any increase at all. And this hath he done, not only in the Comments of the 9 Prophets, but in the very text of the Law it selfe, Levit, 25. 36. *vetar-bith*, and vers. the 37. *ubemarbit*. Which word *Salomon* forgetteth not to adde: for *Salomons* daies being both peaceable and rich in siluer and gold, men would be then more readie in all likelihood to devise any cavill, or colour to maintaine that sinne.

While the people of God were travelling in the desert, or troubled with warres in the land of Canaan, there was little borrowing of money, but only by the poore, for the supplie of their want. And of them to take vsurie was a more sensible biting and oppression: in that they borrowed not to lay out for commodities, but to spend for necessitie. Therefore *Dauid* in his troublesome daies useth the word *Neshec* onely, for vsurie, as best fitting those times; where the poorest were most bitten by this sinne. But in King *Salomons* daies, being dayes of peace and plenty, plentie of money and merchandizing, both by sea and land, for all manner of commodities; those men who were then rich in monies might sit still at home and lend forth their money to such as by their skill and paines in travelling and trading abroad, might returne them vsurie for their money, and bee many times gainers themselves. In which case because there is no such apparant personall biting of the borrower, as when money is lent to the poore to supplie present wants; therefore *Salomon* to prevent these cavils at words, might adde to the word *Neshec*, that word also which signifieth *Increase*. or *ouerplus*. Thereby teaching men that it was the direct meaning of Almighty God simply to forbid all manner of increase whatsoever.

¶ In Comment.
in Ezek. cap. 18
vers. 8.

Neither are these my private coniectures, against the groundlesse distinction of biting and toothlesse vsurie; but Master *Caluin* himselfe (vpou whom they seeme to relie

as

as a chiefe patron of vsurie) doth not only condemne it as friuolous; but addeth further that it was the purpose of the Holy Ghost, by adding that other word, to prevent such cauils. *Quia homines hac in parte nimium sunt acuti & versuti, & excogitant subterfugia, quibus crudelitatem suam tegant; ideo addit: Et incrementum non acceperit:* Because (saith Calvin) men in this kinde be ouer acute and subtile and devise euasions how they may more cunningly couer their crueltie, therefore he addeth in the text; *vsurie or increase.* And for the distinction it selfe, Calvin his censure is *Ludunt homines suis cauillis, sed Deus non admittit tales versutias:* Men cauill and play with words, but God admitterh no such sleights. His meaning is simple and plaine, that all increase above the principall is forbidden.

I should idle the time too much, and wearie the reader, if I should dilate vpon the fond conceits of some to auoid the word *Tarbitb* or *increase*. Because that word in his native and vsuall sense directly forbiddeth all vsurie whatsoever; therefore they bend their wits against it.

Some would haue *Tarbitb*, being ioyned with *Neshec*, to signifie *excessive increase*, or *multiplication beyond measure*. Another sort referre *Neshec* to *money*, and *Tarbitb* to *vituals* only, as if it were lawfull to take some increase for money, but no increase for vituals at all. These fantasies we finde in certaine blinde Manuscripts, without name or author, which walke vnder hand like *the pestilence in the darke*, to infect the mindes of simple men, who are very prone to imbrace euery thing for Gospel, which some men write in priuate, or preach at their tables, in maintenance of their profit.

But tell vs, in good sooth, is *Tarbitb* to be referred to vituals only, and not to money? so that it shall be lawfull to take *Tarbitb* for money? then doth not *Tarbitb* signifie *excessive increase*, or *multiplication beyond measure*; for I hope it shall neuer be accounted lawfull to take excessive increase for money, or to multiplie vsurie beyond measure. Doth *Tarbitb* signifie *multiplication beyond measure*? then verily

verily both *Tarbitb* and *Neshec* are forbidden in money as well as victuals.

See how fitly these conceits doe agree, one overthrowing another directly: and both being overthrowne by the text, and constant interpretation of all authoritie both moderne and ancient.

The text as it doth not appropriate *Neshec* vnto money, but applieth it vnto any thing which passeth for vsurie; (as in Deut. 23. 19. *Vsurie of money, vsurie of meate, vsurie of any thing that is put to vsurie*) so doth it vse *Tarbitb* for the vsurie of money, as well as of any other thing. For the Prophets, who be the true expositors of the law, do ioyne both words together, applying them both indifferently, euer more to one and the same thing. Ezek. 18. 8. cap. 22. 12. Prou. 28. 8. and that *Tarbitb* being ioyned with *Neshec*, should signifie any excessive increase, it hath neither ground in the text, nor any authoritie at all.

The Greeks translate it *πλεονεξία* the Latines *incrementum*, *augmentum*; that is *simple increase*. So others vse words to the same purpose: *Plus, amplius, supra, accessio*; any more, any ouerplus, any thing aboue or besides y^e principall. That is to say (as the ancient Latine translation readeth, Leu. 25. 39.) *Thou shalt not take vsurie of him, nor more then thou gapest: or as S. Ambrose readeth the 37. verse: In amplius recipiendum; to receiue more: ubi omne sortis excludit augmentum*, where it excludeth all increase aboue the principall (as he obserueth vpon the same place.) The Geneva translateth it, *any increase*. So that euen *Tarbitb*, that is, *simple increase*, (the best name, and the most innocent that euer vsurie had) is by the law of God vterly condemned. And therefore bad is the best.

I confesse as yet I haue proued little or nothing at al; but only told you what vsurie is called. And if names be no definitions, then arguments taken from names be no demonstrations. Yet thus much I dare presume to conclude, euen from the very name of vsurie in Hebrew, Greeke and Latine; signifying, *cruell biting, painfull travelling, unnaturall brood;*

^a Lib. dei
Tobia, cap.
15.

^a Ezek. 8. 8.

brood; that the nature of the thing it selfe is therefore greatly to be suspected. For certainly it is ominous and very suspicious to haue a bad name.

CHAP. III.

Of the definition of vsurie in generall.



That which *Tullie* obserued as defective in *Panatus*, may not be tollerated in this treatise. For if we should omit the definition of vsurie, whereupon the whole state of the question doth depend; wee should write at randome in this whole discourse and fight with our owne shadow. The two properties of a definition according to the parts thereof, are, *to expresse* and *distinguish*, First to expresse the nature of what kinde it is: and next to distinguish it perfectly and essentially from all other things of the like nature. And in truth *to define*, is nothing else but *to expresse by distinction*. First to expresse: the generall nature by some proper terme, which distinguisheth it from al other kindes. And secondly to determine the speciall nature, how it standeth different from all other things of that kinde. And so much the very name it selfe doth notifie. For *to define* is nothing else but *to limit a thing within his owne proper and peculiar bounds*.

First therefore all metaphors and borrowed speeches are to be excluded from the definition of vsurie. And we are to deale only with that vsurie which properly is so called. We must not therefore meddle with the vsurie of nature, that most innocent and primitiue increase, which the earth yeeldeth in fruite vnto man for his seede sowne; *some thirtie, some sixtie, some an hundred fold. Terra nunquam sine usura reddit quod accepit*: The earth (saith *Tullie*) neuer returneth that which it hath receiued, without vsurie.

Neither are we to meddle with that supernaturall vsurie which passeth betweene God and man: where sometimes

Office. 1.

De sensu.
Elate.

^a Prou. 19.
17.

^b In Psal.
35. serm. 3.
Qui probi-
bet te esse
feneratorē.
ille iubet te
esse fene-
ratorem.

man plaieth the Vsurer, lending vnto God, by giuing to the poore that he may receiue an hundred fold. ^a *Fœneratur domino qui miseretur pauperis*: He lendeth in that kind to the Lord, who is merciful to the poore. Our God (saith S. ^b Augustine) who forbiddeth thee to be an Vsurer, he commandeth thee to be an Vsurer. For it is said vnto thee; Lend vnto the Lord vpon vsurie.

Sometimes God himselfe is the Vsurer; lending tallents vnto men, to lay out that he may receiue his owne againe, *οὐ τὸ κέρδιον*, with aduantage; as wee translate it. The vulgar saith, *cum usura*; Beza, *cum fœnore*. For the word is properly, *with vsurie*. So it pleaseth the holy Ghost in Scripture sometimes to resemble the works of light to the workes of darknes: that wee might learne to gather wisdom euen from Serpents, and to leaue the poyson behinde. Those delicate wits then, who haue from hence extracted conclusions, as if God, by such parables and allusions, did somewhat fauour vsurie; they must by the same reason iustifie vnrighteousnes, because the example of the vniust Steward is commended vnto vs; and withall conclude that euen theft it selfe is therefore sanctified, because Christ hath compared himselfe vnto a theefe in the night. So must we then in this businesse passe by all parabollicall and borrowed speeches; and onely betake our selues vnto that which is home-bred, proper, and naturall.

^c Mat. 5. 28

Of which there be two kinds; *mentall* and *actuall* vsurie. The first consisteth only in the intention of the heart. For he that lendeth so freely to his brother, that he doth not intend either by word or deed, for any vsurious gaine: yet if any hope or expectation of gaine was to him a motiue of lending, that man in the Court of Conscience standeth guiltie of this sinne before God. Howbeit the other partie may be innocent in borrowing. ^c As he that looketh on a woman, to lust after her, hath committed adulterie with her alreadie in his heart; though the woman be neuer so cleere from that sinne. But in actuall vsurie there must be a mutuall consent of two parties at the least.

It is my purpose to write of this second, as being more sensible then the former; yet including the former. For euery intention of the heart is determinable by the act it selfe, to be good or bad. If actuall vsurie therefore proue vnlawfull, thereby shall the very thought and intention of the mind be condemned. And if we looke vpon the vsuall practise of the world in this kinde; mentall vsurie is but a little moate, but wee are now haling at the beame it selfe. *Hoc opus, hic labor est*: It is no time to pick moates.

Actuall vsurie is of diuers described diuersly (a varietie tedious to relate) but the pith of all is briefly contracted in three words, to be, *pactum ex mutuo lucrum*.

Lucre for loane vpon couenant: or

The Couenant of lucre for lending: or

Lending vpon Couenant for lucre.

So that these three words, *mutuum, pactum, lucrum*, that is, *loane, couenant, lucre*, doe define and circumscribe the entire nature of that vsurie whereof the maine question is made, whether it be lawfull or not.

Therefore whatsoever is without the compasse of any of these three termes, though it carrie the name of vsurie, yet it is none indeed. And of whatsoever all these three severally and ioyntly may be affirmed; howsoever it may passe disguised vnder any other lawfull act, yet is it, that actuall vsurie whereof this question is moued.

These three termes therefore must distinctly bee handled and rightly conceiued, before it can appeare plainly what vsurie is.

CHAP. IIII.

Of the first terme, loane or mutation.

He proper object of vsurie is that which is lent. For so is the text: *d If thou lend money to my people, to the poore, thou shalt not be as an Vsurer*. That therefore is vsurie which is taken for loane: yet must wee heere vnderstand

*d Exod. 22
25.*

vnderstand a special kind of lending, which for the penurie of words and narrowness of our English tongue, wanteth a proper terme. In Latine it is called *mutuum*, in which, two words are briefly contracted into one, *meum, tuum*, into *mutuum*. If I lend thee my money, of *mine* I make it *thine* for a time. *Thine* to doe withall what thou wilt : *Thine* in vse and propertie both : So *thine*, as during that time, I will not owne it, nor cal thee to account what thou dost with it, because it is thine. But if I lend thee a horse, or a house, I will so passe it ouer, as it shall be mine still and not thine. I will be the owner still, euen for the time that I haue lent it. And if thou vse it not well, I will haue an action against thee; for this is not, *mutuum*, but *commodatum*, lent to vse but not to spend or bestow.

That lending therefore which is meant in vsurie is defined to be, *The free passing ouer both of vse and propertie for a time, at the time ended to receiue the like againe.* By which description it is plainelie distinguished from all other contracts. From *giuing, letting, selling, exchanging, commodating, or lending to vse.*

1 From *giuing* it is distinguished, because a gift is for euer : loane is only for a time. Both are a *free passing ouer of vse and propertie* : but that the one is temporall, the other perpetual. So that this lending or mutuation differeth from a gift onely in time. It is a free gift for a time : for which time it is not the lenders, but the borrowers, to doe withall what he list ; only at the time appointed that he returne the like againe.

2. It differeth also from *letting* : because in letting wee passe ouer the vse onely, and that for hire, in lending wee passe ouer both vse and propertie, and that freely. These differ therefore in two things. First, lending in it owne proper nature is free ; letting is for hire. And therefore wheresoeuer the Scripture mentioneth lending, it speaketh of it as a worke of mercy and free liberalitie. *The iust is mercifull and lendeth. † Lend looking for nothing againe, &c.*

2. Secondly, lending passeth ouer the propertie with the vse,

• Psal. 37.
† Luk. 6.

vse, for the time it is lent: letting passeth onely the vse, reseruing the proprietie, euen for that time it is let.

Hence it arileth, that in a thing freely lent, the borrower standeth to the hazard for that time in equitie, (though there be no such couenant made:) because the borrower is the right owner for the time; and in common right euery thing perisheth to the right owner. But in an hired thing it is otherwise: if it perish, the owner standeth to the hazard, vnlesse it perish by the default of him that hired it.

It perisheth, I say, to the owner. First, because he is the owner: and secondly, because it went for the hire. According to the equitie of Gods law, *Exod. 22. 15. If the owner thereof stand by, (to wit, that it may appeare not to bee the borrowers default) the borrower shall not make it good. For if it be an hired thing, it came for the hire.*

3 From *selling* doth this *lending* also differ, because *sale* is a *perpetuall alienation of the proprietie for a price*. *Lending* is a *free alienation for a time*. So that though *lending* and *selling* doe agree in this, that both doe alienate the proprietie with the vse; yet in these two things they differ, that the one is liberall, the other for a price; the one temporal, the other for euer.

4 It differeth from *exchange*. Not only in time, as *giuing* and *selling* doth; but in the object; because *exchange* is the *giuing and taking of one certaine thing for another*. But in this kind of loane, only the like in the same kind is required at the time appointed to be restored. Besides, in things exchanged, there is some difference respected, either of kind, qualitie, or vse; which mooueth vs to make an exchange. But in simple lending or mutuation, both the same in kind, money for money, oyle for oyle, corne for corne; the same in quantitie, and the like in qualitie, so much and so good, without respect of difference, is required.

5. Last of all, this *lending* or *mutuation*, in the definition of vsury, differeth from that which is called *commodation*, or *free lending to vse*. Because mutuation is only of such things whereof vse and proprietie cannot be seuered: but they are

euermore spent or bestowed in the first vse. As he that lendeth his neighbour a loafe of bread, he lendeth it him to vse and spend both; because the vse of bread is in spending of it. But he that lendeth his seruant, to worke for a day with his neighbour, or his horse to trauell; hee lendeth the vse, but reserueth the propertie to himselfe: Therefore if they doe hurt or abuse that seruant or horse, the owner or lender hath iust cause to complaine.

From the same ground also doth it arise, that in this loane of money, of victuals, of Corne, or the like, we doe not require the same thing in particular, the same graines of corne, but onely the like in kind: because the same particulars be spent or done away. But in *commodation*, or *lending to vse* the same thing in particular is required: the same seruant, the same horse, the same vessell which was lent only to vse.

Hence therefore it proceedeth, that such things only bee thus lent, which do passe betwixt man and man by weight number, or measure. For seeing he cannot possibly receiue the particular things againe (which if they be vsed, cannot be restored) therefore he must in equitie haue so many in number, so much in weight or measure, as was lent.

Thus much for the description of the first terme in the definition of vsurie, *mutuum*, that is, *loane*; from which there are three conclusions for this our present purpose to bee deriued.

§ 2. The first Conclusion.

OVt of the premisses it is gathered, first, *That money is not the only subiect of Vsurie, but whatsoeuer passeth by number weight or measure*: for all such things are subiect to mutuation. To which the very words of the 8 text doe accord, *Vsurie of money, vsurie of meat, vsurie of any thing that is put to vsurie*. If a woman should lend her neighbour two egges, to receiue three againe; were it not damnable vltury? because there is an increase or gaine aboue the principall, only

8 Deut. 23.
29.

only for that which yeeldeth no profit to the borrower, beside the first vse.

A poore man wanteth money to stocke his ground. His rich neighbour lendeth him no money, but twentie sheepe: for which he shal pay him twentie shillings by the yeere, in the name of hire. And so making good the whole flock of sheepe, he shall take lamb and wool, both for their keeping and for that twentie shillings which goeth for the loane. So that those sheepe which rot or miscarrie are none of the rich mans, he will not owne them; they be the borrowers, hee standeth to the hazard, and maketh vp still the number of twentie sheepe. Here then is *mutuum* the vse and proper- tie both are passed ouer to this poore man: to the end that with the propertie, the hazard also may passe vpon him. Now these immortall sheepe which neuer die, do bring an annuall increase or gaine to the rich man; for the meere loane of the, which is plaine vsury, howbeit not of money.

§ 3 The second Conclusion.

IN the loane of money (of which principally it is my purpose to write, being the most vsuall and proper for these parts) be it thus concluded out of the premisses; *That gain or lucre which commeth not meereley for loane; (such loane, which is before described) is no vsurie.* For the obiect of vsurie is *mutuum*. It is no vsurie, I say, if it be for other respectiue considerations, and not meereley for loane.

A man vnskilful in trading hath a stock of money, which he deliuereth to a merchant or tradesman to imploy: recei- ueth part of gaine, and beareth part of hazard proportiona- bly. This is no vsurie, but partnership. No vsury, because his money is not lent by mutation, so long as he reserueth a propertie in it himselfe, *in contractu societatis cessat obiectum vsure, mutuum*. In like manner the stocke of a widow or an orphant is in trust committed to a friend to imploy and vse it in charitie, onely to their vse: they haue the benefit of the increase; which is no vsurie; because the money is still

*Molinaus
de contract
usurar.
initio.*

theirs, it prospereth or perisheth to them, as to the right owners.

A man lendeth for a time freely; that time being expired, his money is retained longer against his will, for want whereof he is damnified. If the lender receive an ouerplus in this case aboue the principall, answerable to the damage which he hath suffered; this is no vsurie, but due and iust satisfaction. No vsury, because increase is not taken for the loane. For loane is a voluntarie act: whereas this money was not willingly lent, but retained by force after the time it was due. If the lender had been damnified by the forbearance of his money during that time which he lent it, he could in strict iustice haue exacted no satisfaction, because it was his owne voluntary act: *Volenti non fit iniuria*. But the time being come out, to receive ouerplus for his losse sustained, is no vsurie, but a iust recompence, which is properly termed *interest*.

A great man by his authoritie, doth wring from an inferior person the loane of such a summe, which he cannot spare without sensible detriment; and yet perhaps, in regard of the mans greatnes, he had better lose the principall then deny the loane. To receive interest, that is to say, recompence for the forbearance of this money, is no vsurie, because it was not voluntarily lent by him, but by some violence extorted from him. As if a man should command a poore mans tooles, without which he cannot earne his liuing, if he giue him not satisfaction, he committeth extortion. The monies of a tradesman, be his tooles, by which hee getteth his liuing. If therefore they be either retained, or forced from him to his sensible detriment, satisfaction is due in iustice and equitie, without touch of vsurie.

To sell wares for time, and in respect of time to sell dearer, may be free from vsurie: Either in respect of the rising of the commoditie so sold, by the ordinarie course of seasons, it wil be worth more: t the day of payment of the money, then it was at the time of sale and deliuerie. Or in case a man can neither vent his commoditie for present money; nor

nor kepe it longer without corruption or detriment to the ware; nor forbear the money without sensible preiudice to himselfe: these may seeme valuable considerations without compasse of this terme. But admit a man will sell dearer of purpose for the forbearance; and forbear of purpose onely that he may sell dearer, without pregnant likelihood of the market rising at the time of payment; or of damnifying of himselfe, by keeping his word, or such like valuable considerations; that is vsurie. For it is all one as if he lent so much money for lucre vpon couenant.

§ 4. *The third Conclusion.*

If it be a gaine couenanted meereley in respect of loane, it is condemned as vsurious. For then is it *Vi mutui*, for the loane before described, though it come neuer so disguised vnder the colour of a lawfull contract, as many times it doth.

1. Sometimes vnder the colour of buying. If I should lend one hundred pound; the principall to be repaid by tenne pound a yeere in ten yeeres, and ten pound a yeere ouerplus for the vse of that money: this were extreme vsurie within the statute. If therefore purposely to auoid the statute, I do agree with the borrower to alter the nature of the contract thus: With the same hundred pound I will purchase an annuitie of twentie pound for ten yeeres of the same partie. This is bargaine and sale; yet is it the very same thing in truth; differing onely in the parchment and manner of couenancing; subiect to the same iniquitie and inequality; poisoned with their ioynnt purpose of auoiding the penaltie of vsurie by other conueiances. For if their purpose could by some pregnant circumstances be discovered, the same Statute would condemne them of vsurie.

2. Sometime it passeth vnder the colour of selling. A merchant lendeth his chapman one hundred pound freely, but with condition that he wil in lieu of his courtesie take a commoditie that lieth vpon his hand at such a price, pay-

ing for the purpose eight or ten pound dearer thē he might haue bought elsewhere; had he not as good haue paid ten pound for the loane of his money? Or inore cunningly thus: A countrey Gentleman would borrow one hundred pound of his deare friend a Tradesman. Answere is returned, That he hath no money, but rather then faile, for old loue and acquaintance, he shall haue 100. pounds worth of ware even out of his shop presently to make money of. The Gentleman cannot make it: therefore he doth him yet a further kindnesse, in sending to a friend that shal sel it for him (note by the way, that friend is his broker:) who after long discourse what a preiudice it is to proffer ware, and after much seeking, he hitteth vpon a friend who will giue the Gentleman fourescore and eight pound, present money, for his ware (and that friend is the brokers owne master, who lent the ware.) The poore Gentleman glad of present money giueth the broker for his paines. Now this tradesman that hath twelue in the hundreth, is in expectation besides of as great kindnesse as the free loane of one hundred pound is worth, (whereof this Gentleman will not faile him, because he would keepe such a friend in a corner for a pinch:) and he hath beside pleased his broker for doing nothing for the ware was neuer stirred out of his place. This vnder colour of selling is direct vsurie, and somewhat else besides.

3. Sometime it is committed vnder the colour of letting. A man lendeth his neighbour such a summe of money, conditionally, that he will take such a house at such a rent: prouided alwaies, that the rent of the howse shal pay for the vse of the money. More cunningly, thus: A countrey Farmer commeth to an Vsurer, and telleth him of such a lease for yeeres to be sold, for three hundred pound. If it please you (quoth the Farmer) to deliuer mee so much money. I will buy that lease in your name with your money; you shall sit still, neuer trouble your selfe to looke after it; let me be your tenant for thirtie pound a ycere, and I will put you in good securitie for the paiment of three hundred pound

pound, when the lease shall expire. This is vsury vnder the colour of letting.

4 Sometime it passeth vnder the colour of free loane or mutuacion. A poore man desireth a Goldsmith to lend him such a summe, but he is not able to pay him Interest. If such as I can spare (saith the Goldsmith) will pleasure you, you shall haue it for three or foure moneths. Now, hee hath a number of light, clipt, crackt peeces (for such hee vseth to take in change with consideration for their defects:) this summe of money is repaid by the poore man at the time appointed in good and lawfull money. This is vsurie, that is, gaine for loane, vnder colour of free loane. Or thus: A yong Gallant would borrow an hundred pound for a yeere; the Vsurer in kindnesse will lend him so much freely for three moneths. The Gentleman glad to finger the money, accepteth his kinde offer. The Vsurer takes sure bonds, knowing that he who is so hungrie for a yeere, will not be in case to pay at three moneths; then shall the forfeiture of the bond pay the Interest of the money with aduantage; only, forsooth, because the Creditour is exceedingly dam-nified in being disappointed at the time. This were vsurie, if the craftie purpose of the Vsurer were discovered. Or thus: One lendeth tenne pound vpon a pawne of bedding or linnen, and hee lendeth it freely: but as the other vseth his money, so he likewise vseth his pawne, This is vsurie; for the bedding or linnen is sensibly the worse for the wear- ing, so is not the money.

5 Sometime vnder the colour of *Merchants exchange*, deliuering money vpon bills at home, to be paid in other countries: A practise which some would vtterly condemne; but considering the great vse of it, I would not rashly con- demne it: but will imagine rather how it may haue his grounds in equitie and iustice.

1. Either because the office of transportation is therein implied. For hee who deliuereth money here to be repaid beyond the Sea, performeth the same office, and doth the borrower no lesse benefit, then if he conueyed his money
for

for him out of another cōuntry home; and somewhat more, because this is done instantly, that could not be done but in longer time.

2 Or else, because money present is more worth then absent, not in any vsurious respect, but in a lawfull estimate; for there is no present vse of that which is absent. And besides, that which is in another countrey, cannot be made present without some cost, labour, or perill.

3 Or in respect of the value of money in the place where it is paid vpon bill: for though the value of coynes remaine one and the same, yet summes of money may rise and fall in exchange (woe be to thē who conspire to raise them) yet scarcitie of money at some times may make great summes more pretious, and harder to come by; and then euery man drawing as much as he can home, it maketh the transportation from forraine places to be of greater difficultie.

This *Reall Exchange* though it may stand iustificable vpon his owne grounds, yet, vnder it, is cloaked a mysterie of iniquitie, that is, of vsurie; either by that vsance and double vsance, vsed only to an vsurious intent: or specially by that counterfeit Exchange, termed by the name of *Cambium siccum*, or, *drie Exchange*; because it hath no more iuyce or sap then a painted tree, either in charitie or equitie: but being a griping vsurie vnder the title of Exchange, it drieth vp the fountaine of both.

6 Sometime it masketh vnder the habit of hazard and aduenture. For because in that which is *mutuum*, he that lendeth passeth away together with the propertie, all hazard and aduenture of the principall. A man therefore to preuent this: will deliuer thirtie pound the sixth of December, to receiue 33. pound for it the second of Iune next following, if the sonne of the said lender be then aliue: If hee die before the day, that then the debtor should pay but 27. pound of the principall. This was *Claytons* case, adiudged to be vsurie. For that this hazard or vncertaintie of life is not to be accounted of: because by the same reason that he may adde one life, hee may adde many. If it be not sensible

sible and proportionable, it is but a mockerie.

But put the case of a mans owne life, and make the aduenture more sensible and proportionable. As thus: A man hauing no charge to leaue behinde him, or little care of them, vseth to lend out his money for ten in the hundred, *if he shall liue untill the dayes of paiment*; prouided alwaies, that if he the said Creditor die, then his executors shall receiue but foure score pound for the hundred pound. His case then standeth thus: First, he hopeth to liue many yeers, and when he dieth he is sure to die but once: then shall his executors (who those shall be God knowes, and not he:) his executors, I say, shall pay twentie in the hundred, of such summes only as then shall be abroad at vse. Vnder colour of this aduenture (which selfeloue in many maketh no aduenture) hee would lend his money, and liue vpon the loane, while he liueth. But tell me, in good sooth, wilt thou take ten in the hundred if thou liue? then by this couenant thou wilt be an Vsurer if thou liue. No condition shall barre thee from it, but only death. Then, verely of necessitie, thou must die an Vsurer by vertue of the same couenant. And tell me in thy conscience, doest thou thinke thy Executors after thy death can redeeme thy soule from that sinne wherein thou diedst; by paying so much in the hundred of thy wealth, which then shall be none of thine? *Filius huius seculi*; how wittie and subtile are the children of this world in twisting snares to intangle their owne consciences at the houre of death? *Qui volunt esse diuites*: They that will be rich (saith the Apostle) not they that would by lawfull and direct meanes; but, *they that will be rich fall into temptations and snares*: such snares as the more they struggle to get forth, the faster doe they intangle themselues.

1. Tim. 6.

9.

CHAP. V.

Of the second terme of the definition,
Pactum, Covenant.



Exod. 22.

25.

Albeit an ouerplus or increase bee giuen and receiued for the meere loane, either of money, or of any thing which passeth by Number, Weight, or Measure; yet it is no vsurie, except it be by some covenant or contract before. This also is essentiall, and expressed in the very letter of the law of God, *Thou shalt not impose vsurie, &c.* So doe *Varablus*, *Pagnin*, and *Tremellius* reade it, *Non impones*. So likewise the Greek Interpreters, *οὐ βλάψῃς*. Now there can be no exaction or imposition vpon a free person but by way of covenant. A covenant is a *mutuall agreement vpon a certaintie*. First it must be an agreement, that is a voluntary consent, presupposing both libertie of will to giue assent, and abilitie of vnderstanding to know the thing agreed vpon. Secondly, it must be mutuall. For though one partie agree vnto it, yet it is no covenant vnlesse both giue consent mutually. Thirdly, that mutuall agreement must be reduced vnto a certaintie, else it is void. If both parties doe not vnderstand one certaine thing, it is no covenant: and therefore we see, that a conditionall covenant, because it dependeth vpon some future vncertaintie, is no covenant at all; but vpon this condition, that, that vncertaine thing doe proue certaine.

If a mans money freely lent for a time, be by force retained past that time, to the sensible detriment of the lender; we haue before concluded that a recompence is due. But in case a covenant bee made of free loane for such a time, and if it be not repaid at such a time, then so much to be allowed for Interest: this covenant maketh vsurie, which before was none.

A man leaureth his neighbour a summe of money to
trade

trade withall, and that freely. This borrower becommeth a gainer: out of his thankfull minde he doth gratifie the lender with some part of his gaine. This is no vsurie, but a thankfull gratuitie, termed by the name of *fœnus liberale*; and it is lawfull to giue and take, where it is is not lawfull to couenant or contract before. For as to gratifie a Patrone for preferment, a Iudge for iustice, vpon any precedent stipulation, promise, or demaund, is *Simonie* in the Church, *Briberie* in the Common-wealth: so is it vsurie in any fashion to contract before the time of the loane. The reason of all this is, because neither iustice, which God and nature haue made free for all; nor sacred things sanctified and set apart for the seruice of God; nor workes of mercie, bountie or fauour, as giuing and lending; are in their owne natures any waies capable of bargaine and sale. Couenant therefore is that which poysoneth the nature of them, and turneth them into sinne; the sinne of *Simonie*, *Briberie*, *Vsurie*: let them goe together.

But that men deceiue not themselves in mistaking this terme of *Couenant*, vnderstand briefly the latitude of it: It is either reall, by pawne laid in, both for principall and Interest: Or literall, by writing without pawne, as by bill, booke, or bond: Or personall, without writing, in taking another man for surety besides the borrower: Or verball; either by promise without suretie before witnesse, or by secret stipulation, betweene themselves without witnesse: Or silent, without word, witnesse, writing, or pawne: and this silence either of one partie, or both. Of one thus:

An Vsurer saith, *I will lend you thus much money, but so much Interest you shall pay me.* The borrower takes it in silence: this silence is a promise, and that promise a couenant. Nay, where there is silence on both sides, there may be an vsurious couenant. A common borrower cometh to a common Vsurer to take vp an hundred pound for three moneths; there is neither bill, bond, promise, nor demaund for any Interest: only this; the borrower knoweth how that Vsurer neuer lendeth his money but for tenne in the

hundred. Likewise the Vsurer knoweth how that borrower neuer taketh vp, but vpon Interest. The very act of borrowing and lending in these two parties by common intendment, is a couenant for Vsurie: and euery couenant whatsoever, whether it be silent or expresse; whether it be bare and naked in promise, or inuested by further securitie, if it be a couenant for loane, it is Vsurie.

CHAP. VI.

Of the third terme, *Lucrum, gaine.*

Albeit there be a couenant meere for loane, yet if there be no lucre, it is no vsurie. I vse the word *Lucre*, rather then *Gaine*, because it is more proper for this purpose in the English. ^a *Godlinesse is great gaine*, but godlinesse is no lucre. Lucre is cleere gaine in money or money worth. That which is couenanted or agreed vpon for meere loane, must also be cleere gaine. For where equality is, there can bee no vsurie; Cleere gaine either in money, which is a certaine price, or else in money worth, which is valuable and to be rated at a certaine price; for (as ^b *S. Ambrose* saith) *Et est ea vsura est, & vestis vsura est, & quodcunq; sorti accedit vsura est; quod velis ei nomen imponas, vsura est*: Be it meate or apparell, or any ouerplus aboue the principall, what euer you call it, it is Vsurie.

^a 1. Tim. 6. 6^b Lib: de Tobia, cap. 14.^c Luk. 6. 34

A man lendeth money to his neighbour freely in his need, (for though hee be a rich neighbour, yet vpon occasion he may want a summe of money for lawfull and necessarie employments:) promise passeth to requite his kindness another time in lending him as much againe for his occasion. Here is a couenant for loane, yet no vsurie: because no couenant for cleere gaine, but one good turne for another. And where there is equalitie there is no vsurie. Christ alloweth ^c *to do* in this kinde.

A man oweth me ten pound. I wot not how to come by it

it: He commeth to me for tenne pound more: I condition with him that he shall put in good securitie for the whole debt of twentie pound: which if hee doe willingly yeeld, this is to me, as the case now stands, a profitable couenant for the loane of money; yet it is no vsurie, because no cleere gaine, but only a recouerie of mine owne due debt, without wrong offered to any.

A man lendeth money to get the friendship of such a person as may stand him in stead. *A friend in Court is worth a penny in the purse.* But because his friendship cannot bee valued or set at a certaine price, therefore it is no lucre, and consequently no vsurie.

A shopkeeper lendeth money freely to a Chapman, couenancing with him that hee will not bauke his shop, but that he may take his money before another. This is gaine to the shopkeeper: but it is not valuable at any certaintie, so long as hee may be serued in that place for his money as well as elsewhere. But in case he make him pay dearer for his ware, because he lent him money, that is vsurie.

I lend a poore labouring man money freely, but conditioning that he shall worke so many dayes with me in haruest freely; this is vsurie: for a dayes worke is valuable at a certaine price: therefore is it lucre and money worth.

There is an Office or Lease fallen void of such a yeerely value: I lend my Courtly friend a summe of money for such a time, freely without vsurie; onely couenancing that hee will procure the said Lease or Office: This is vsurie; for though his friendship at large was not valuable, as is afore-said, yet now being reduced vnto a certaintie, in this particular, it may be valued at a price. Therefore is it lucre, and so consequently direct vsurie.

CHAP. VII.

*A briefe recapitulation of that which
hath been said.*

BY that which briefly hath been delivered, it may in some sort appeare, how vsurie hath been called, and what it is. The Gentiles, both Romanes and Grecians, led by the light of nature, termed it the vn-naturall brood or generation of that which by nature is barren. The spirit of God in Scripture hath branded al increase and ouerplus, what soeuer aboue the principall, by the name of a biter or gnawer; as appeareth by the exegeticall ioyning of *Tarbut* with *Neshec*, in the Law and the Prophets. Which increase and ouerplus comming for the loane, either of money, or any thing which passeth by number, weight or measure, if it come meereley for loane, without any other valuable consideration: and meereley for that loane which passeth ouer the propertie, and with the propertie the perill and aduenture of the principall: and if it come for this loane, not by way of gratuitie afterward freely giuen; nor in the name of satisfaction for damage suffered by the lender without his owne act and consent; but by former couenant and voluntary contract betwixt the borrower and the lender: and if this couenant bee for lucre and gaine, cleere gaine, valuable gaine, ratable at a certaine price, either in money or money worth; then is it that vsurie whereof the question moued is now to be discussed: *Whether it be a thing indifferent in it owne nature, in any kinde allowable; or whether it be simplie to be condemned as a sinne before God.*

In this defining of Vsurie, and distinguishing of it from all such practises as be only like vnto it, and doe border vpon it; we ought so neere as wee can, to cut it by a threed; and in the examining of the seuerall branches we shal meet with much finer and subtiller threeds, then hitherto wee haue:

haue: (ouer fine, I confesse, for so blunt an instrument.) Notwithstanding this caueat I would gladly commend vnto you before hand; that if this vsurie thus described, do proue to be a sinne of that nature and degree, as I am afraid it wil; men would not inure themselves in their commerce to coast ouer neere vpon it, lest by little and little they bee inticed by so sweete and pleasant a baite, as this kinde of lucre is: for the sweeter bait the diuell vseth, the more dangerous is the hook. It was the wisdom of God in the training vp of his Church at the first, to make Ceremoniall lawes, as a pale to hedge in and compasse his Morall law, like the railes about Mount Sinay; to the end that by the obseruing of the Ceremoniall, men might be kept aloofe from the transgression of that which is Morall; as the abstaining from the blood of beasts taught them how farre they should bee from blood-thirstines and crueltie towards man. A point so easie that it is obserued in matters most triuiall. A man will not ride so neere the brink of a pit or ditch as he can, for feare of falling, but keepe a certaine distance off, that he may be the more secure. It is wisdom in iourneying, I would to God it were so in liuing. For as in nature, opposites meete not without a middle nature, so in moralitie, Vertue and Vice touch not without some indifferent thing. There be certaine brackish qualities which fauour of vice, yet cannot absolutely be condemned; euen so for vsurie: there be some contracts neere vpon it, which notwithstanding being filed and refined with many distinctions and cautions, may happely proue indifferent and lawfull: yet sure it is, those men who wil not abstaine from some things which are lawfull, shall of necessity commit manie things which are vnlawfull.

The end of the first Booke.

THE



THE SECOND
BOOKE PROVETH VSVRIE,
AS IT IS BEFORE DEFINED, TO
be vnlawfull : First by authoritie;
next by reason.

CHAP. I.

*Wherein are propounded places of prooffe
from authoritie.*



ALL prooffe is reduced generally to two heads : Authoritie, and Reason. In the former wee see with other mens eyes : In the second with our owne. And though it bee a wise mans part to see with his owne eyes; yet must wee bee fooles first, that wee may be wise; Cicerones, before we be Conduits : for hee that wil not suffer himselfe to be led first and guided by others, shall neuer be able to finde the right way himselfe : and certes, good authoritie, neuer had aduersarie but pride and singularitie : I meane the authoritie of the most and the wisest.

Let vs consider then in the first part of this booke, what they haue thought in former ages of this point, who haue been much wiser then our selues, and haue had as iust occasion to looke into it : for Vsurie is no new deice, but an ancient sinne, which hath been continually practised in all ages, and in the most famous and flourishing nations of the world. The authoritie therefore of the wise and learned in former

former times ought to be a great motiue to sway our iudgements in this point; and if there be any goodnesse or lawfull moderation in vsury, doubtlesse some of them haue found it out.

1 But before we come vnto them, we will first lay that diuine authoritie for a foundation to the rest, which is beyond all exception. For the testimonie of authoritie, which of all arguments in Logicke is the weakest, is the strongest in Diuinitie.

Let vs see therefore in the first place, what the Scripture saith of vsurie, for it, or against it. For where that Oracle vouchsafeth to speake, there is not any need of further authoritie for confirmation. They are therefore ouer simple, who doe imagine that humane authoritie is alleaged to adde authoritie vnto Scripture; as if that were defectiue: *Sola sufficit ad omnia satis superque.* It is alone al sufficient for authoritie, if it be not mistaken. The Church therefore doth comment vpon the Scripture, only for explication of the text. The text is absolute in it selfe, but obscure vnto vs, in regard of the weakenes of our vnderstandings, and variety of apprehensions. We must therefore of necessity borrow light from others, especially in these difficult cases of conscience, which subtile wits haue spun into so many fine threads, and which depend vpon so many circumstances.

2 Vincetius Lirinensis.

2. And because consent of Churches doth adde great validitie vnto authoritie, it will not be amisse first to see what the Fathers of the East Church thought among the Grecians; and how the Westerne Church hath seconded the same among the Romanes in her puritie, before such time as corruption had ouergrowne her.

3. Afterward when corruption both in doctrine and manners had spread ouer, and blemished the face of the Church, it wil be obseruable, how this doctrine concerning vsurie did preserue her ancient integritie.

4. But because all these are but the testimonies of feuerall learned men in their writings, y which may be added as the voice of the Church ioyntly assembled in Councils,

G

will

will carrie more weight with it.

5. Moreouer, because a dwarfe set vpon a Giants shoulders, hauing the vantage of his whole body, may happely see further then the Giant himselfe; we will see what our moderne writers haue added vnto the authoritie aforesaid; and whether our reformed Churches haue reformed any thing concerning this point. All these put together (if they had a good Collector) would make so sufficient a comment vpon the law of God concerning vsurie, as a man of learning and modestie would not easily gaine say.

6. But we haue yet a larger field to walke in: for this is a question of that nature, as is not onely determinable by the law of God in Scripture; but also by the law of Nature, those maximes and principles of common equitie, which are written in the hearts of men by the finger of God. Those students of Nature therefore, the Philosophers, may of right challenge a voice in this businesse,

And because the experience and practise of States and Common-wealthes doth adde much to the twilight of Nature, especially in these matters of negotiation and commerce between man and man; it will not be much out of the way, to obserue by the way, what such writers haue obserued in their Politikes, for the publike good; which in this point is especially to bee obserued, euen for conscience sake.

7. Last of all, because we haue not a better rule to proceed by, in the searching of what is good and lawfull in a well gouerned estate, then those wholesome lawes which haue been established vpon sage aduice and deliberation, out of long experience, and the receiued grounds of common equitie: it will be behouefull and materiall to listen a little to the Canon and Ciuill lawes, which haue gouerned so many Nations, both Christian and Heathen: and finally to returne home and note (though briefly, as becommeth Diuines) what the Municipal, or Common law of this land, vnto which wee are subiect, hath decreed concerning this matter.

Now

Now if these authorities shal ioyn in one against vsury, they who shall oppole themselves in defence thereof, had need to come well appointed with strong arguments and sound reasons, or else me thinks we should hardly belecue them.

CHAP. II.

The Testimonie of Scripture.

IF we take our Sauour Christ his diuision of the Scriptures, which he made to his disciples going to Emmaus, into ^b *Moses, the Prophets, and the Psalmes*; these bee all three against vsurie. *Moses* wrote fise bookes, two of historie, and three of law. In euery one of his law-bookes, *Exodus, Leuiticus, and Deuteronomie*, there is an expresse law against vsurie.

^b Luk. 24.
44.

Exod. 22. 25. *If thou lend money to my people, to the poore with thee, thou shalt not be as an Vsurer vnto him, thou shalt not oppresse with vsurie.*

Leuit. 25. 35. *If thy brother be impouerished or fallen into decay with thee, thou shalt releene him, and as a stranger or a sojourner. so shall he liue with thee; thou shalt take no vsurie of him nor vantage, or more then thou gauest. Thou shalt not giue him thy money for vsury, nor lend him thy victuals for increase.*

Deut. 23. 29. *Thou shalt not giue to vsurie to thy brother, as vsurie of money, vsurie of meate, vsurie of any thing that is giuen to vsurie. Vnto a stranger thou maiest lend vpon vsurie, but thou shalt not lend vpon vsury to thy brother, that the Lord thy God may blesse thee.*

Thus farre is the letter of the law which is vehemently vrged by the Prophet ^c *Ezechiel*, by the ^d *Psalmist*, and his son ^e *Salomon*. Against which law three exceptions haue bin deuised.

^c Chap. 18.
13. 17.
Chap. 22. 12
^d Psal. 15. 5.
^e Pro. 28. 8

§ 2.

The first is verball (which wee touched in the second Chapter of the first booke) in laying hold vpon the biting

word *Neshec* auoiding the other word *Tarbiuh*; as if that would bite the cause. This verily is hard dealing, when the holy Ghost ioyneth two words of purpose together, both in the law and Prophets, to make his meaning full; that we should presse the one, and leaue the other. When God is not content to forbid biting vsurie onely in *Neshec*, but all increase in *Tarbiuh* and *Marbiuh*, doubling the second frō the same roote, as if he would set the Emphasis purposely vpon increase; these will haue it set vpon *Neshec*, biting vsurie. What is it then which they would so gladly wring out of *Neshec*? Forsooth that no vsurie is forbidden in Gods law, but onely biting vsury. And that there is no biting vsury, but when it is felt and knowne to bite (for wee must giue them that in besides, or else they be neuer a whit the nearer.) Alas good simple widowes, who are taught to liue securely in the feare of God vpon vsurie: can they tell when, or whom, or how many their vsurie doth bite? Nay can the wisest vsurers of them all tell? For if the borrower be bitten, he had best to keepe his owne counsell, and to set his best face vpon it: otherwise if the Vsurers do once smel him to be downe the wind, he shall seldome finde them within. Can they tell when the Common-weale is bitten? Can they discern how many poore people shall pay a penny in the pound the dearer for them and their fellowes? No, no, vsurie walketh in the darke, it biteth, few know, when, where, or how. Onely thus much in general we must needs know, that the borrowers vpon vsurie cannot afford their ware so good cheape by nine or tenne in the hundred, as if their stocks were free; and yet must they needs sell as the market goeth. Therefore if there be not a sufficient number to raise the market to their price, and so to cast the burthen vpon the people, they themselues shall feeble the weight of it. To make this more plaine by the most accustomed and moderate vsurie of these times. If money be lent to spend vpon necessities, there is no manner of question made, but the borrower is sore bitten in paying vsurie, when he hath spent the principall. If it be lent to lay out for gaine, then must the

the borrower first be sure of so much cleare gaine, as will pay the vse, which is a reasonable gaine of it selfe. For the Vsurers of nine or tenne in the hundred doe liue well of their trade and grow rich by it. Yea many honest tradesmen will confesse, that if they could with their owne free stocke raise the like gaine one time with another, that the Vsurer doth with his moneies; and with the like securitie of the principall; they would thinke they had made a very good market, notwithstanding all their care and trauell.

This reasonable gain then must first be raised by the borrower, to pay the Vsurer; and ouer and aboue he must exceed this reasonable gaine, to maintaine himselfe and his seruants, because this gaine is none of his. If he doe not exceed then, and that in some proportion, he hath lost his labour, and shall feele himselfe sore bitten. If the borrower doe exceed the Vsurers gaine to maintaine himselfe; I demand then who paieith this excessiue gaine ouer and aboue that reasonable gaine of tenne in the hundred? Who but the Common-weale? Not so (saith the Vsurer;) for the borrower must sel as the market goeth. It is very true. Therefore (say I) if hee and his fellowes bee not able to raise the market to their owne price, they shall bee losers: If they can inhaunce it (as they may the more easilie, because the number of such borrowers is great, and because the rest desiring to sell as deare as they can, will most willingly ioyne with them) then the Common-weale must needs beare the burthen, and especiall the poorer sort, who buying all by piece-meale at the last hand, must be sore bitten, though they know not by whom. One of the biting dogs which pincheth them sore, is vsurie. Yet gladly would they perswade vs, that vsurie in some other respect by way of amends, doth licke them whole againe. Because by this meanes (forsooth) money is more stirring, and so by a quicker turne and returne, euery commodity is more plentifull: for charitie and friendship in these daies bee not so common, that men would lend out their money so freely, if they had not gaine for the vse. This is very true, it cannot be de-

nied. And the reason hereof is, because the common practise of vsurie hath taught men to set a price vpon charitie and friendship; as if he, who lent his friend or a yong beginner one hundred pound for a yeere, did in effect giue him tenne pound cleere out of his purse. But admit this dogge were tied vp; would rich men preiudice the Common-weale in these daies, by imprisoning their monies in their coffers, thinke you? Verily if vsurie were not, men would tenter their wits, either in trading themselves, or employing others; rather then so current and necessarie a thing as money is, should take rust in these peaceable and getting dayes. But who would racke his braine, and moile himselfe in the world, if he may sit idle at home, and receiue so sweet a gain without labour, cost, or aduenture? So that if borrowers escape, the Common-weale must beare it. If the Common-weale goe free (as seldome it doth) the borrowers are bitten. Sometime the burthen is diuided betwixt them; and still the Vsurer is the gainer.

Zeph. 3.3.
Nehc. 5.11.

Vsury then biteth one or other, little or much, according to the degree of the interest: from the biting of the morning wolfe to the flea-biting: from that *Centesima*, the hundreth part monethly, which *Nehemiah* complaineth of, which is twelue in the hundred (the most that we find tolerated euer amongst the Heathen) vnto that *seuiunciarium*, *fœnus*, tenne shillings in a hundred pounds, scarce sensible: So that in euery *Tarbit*, there is a *Neshec*, a tooth in euery vsurie: which because it cannot be alwaies felt, or perceiued, it hath pleased God to adde that other terme, which is more sensible, *vsurie* or *increase*. The deuisers therefore of this distinction, of biting and toothlesse vsury, forced out of the word *Neshec*, haue discovered two errors, whereupon they seeme to build as vpon a sure foundation.

1. First, they presuppose, that if vsurie doe not bite the borrower, it biteth none at all; as if the publike good were not to be regarded, but euery man were for himself, and his priuat commoditie. Which if it might be granted, then a man of credit might take vp money enough at interest to buy

buy vp a whole commoditie, to sell it after his owne price and pleasure. The Vsurer & borrower here be safe enough; for the poore people shall pay double, and make both gainers. This is too plaine.

2 Next they doe imagine that except the biting of vsurie be sensible and apparant, there is no iniquitie at all. But there be *mysteries of iniquitie*, which are not discernable to a vulgar eye at the first sight. There may be iniurie without damage, and damage without sense. Therefore as the holy Ghost hath expressed the sensible biting of vsurie in *Neshec*: so hath he forbidden that which is more secret and covered in the word *Tarbit*; else wherefore should *Tarbit* be added vnto *Neshec*. both in the letter of the Law, & the Prophets? either it must be added by way of an *αὐξήσις*, to make a gradation (as if not biting vsurie onely were forbidden, but any increase whatsoever;) or else it must be an *ἐξήγησης*, added by way of explication, and so of equall latitude with *Neshec*: only declaring what God meant by biting vsurie, namely, any increase in that kinde whatsoever.

It is the manner of holy Scripture after that a law is given and a sinne forbidden in a sensible terme; by the addition of a more generall terme, to expresse Gods meaning more fully; lest men should seeke libertie in restraining the former terme more narrowly.

The Commandement against theft is set downe in the sensible terme of *stealing*: the iniquitie whereof is apparant and sensible, discerned at the first sight to be iniurious. But lest men should restraine the meaning of Gods law to that theft which is so sensible; the holy Ghost addeth, *dealing falsely, or circumuening*: teaching thereby, that the over reaching of our brethren in bargaining and contracts, by any cunning and craftie dealing, is included in theft, though the iniquitie of it be not so apparant as that which is properly called stealing. In like manner, lest men desiring to get themselves some libertie in this sinne, should restraine *Neshec* vnto that palpable biting and oppression which

Leu. 19. 11

which hath no colour of equitie, God hath therefore added a more generall terme, forbidding all increase: adding that terme euer in the second place, as an explication of the former. If any man therefore doubtfull of this branch already handled, concerning the very words of Gods law, be desirous to resolute his owne conscience; let him frame his case aright on this manner, and he may easily resolute himselfe of the safest way. Seeing the Law and Prophets haue simplie and directly forbidden vsury, vnder the proper termes both of *biting*, and *increase*: and seeing on the other side, that vsurie is a delicate gaine desired of many; the question is no more but this, whether we should labour by distinction to restrain the words of God to our desires, that we might practise some moderate vsurie: or endeavour to conforme our desires to the words of God, that wee might keepe a safe conscience.

§.

Exod. 22.

15.

The second exception is personal. We are forbidden (say they) to take vsurie of the poore, but not of the rich; for so runneth the text: *If thou lend money to my people, that is, to the poore, thou shalt not be as an Vsurer vnto him, thou shalt not oppresse him. Againe, If thy brother be impouerished or fallen into decay, thou shalt take no vsurie of him.* Whereupon they would inferre, therefore of the rich thou maist take.

Exod. 22.

15.

These two answers be current in euery ones mouth. First, *that God forbid onely biting vsurie.* Next, *that wee must not lend vpon vsurie to the poore.* Are we forbidden then to bite the poore only? and is it lawfull to bite the rich? *If thou lend money to my people, that is, to the poore, thou shalt not be a Noshec vnto him; that is, a biting Vsurer.* Maist thou then be a Noshec, a biting Vsurer to the rich?

See then how vsutable these conceits are, that one overthroweth another. Is it onely biting and oppressing vsurie which Gods law forbiddeth? then surely there is no respect of persons, we must not bite or wrong any, be he rich or poore.

But what is their reason, why wee may lend vpon vsurie to

to the rich? because there is mention of the poore only in the text, therefore it is likely the rich are not meant. It is true the poore are mentioned, and for that God saw great reason, because they be most likely to borrow, and readiest to be oppressed. And in the wilderness where this law was giuen, there was none borrowed but only for need: therefore are the poore only mentioned.

Immediately before this law of vsurie in Exod. 22. 22. is there a law for widowes and fatherlesse children: *Thou shalt not trouble any widow, or fatherlesse childe.* Doth it therefore follow that thou maist trouble a married woman, or a child that hath a father? This Logick were no good Diuinitie: those are named onely which are most subiect to oppression. Yet this difference is vrged by the most learned of them, who seeme any waies to fauour vsurie: *f Quia melius potest carere absq; damno*: Because the rich cannot feele the biting so well; he may spare it better then the poore. If this were good reasoning, what sport might theeues and robbers make with *Salomons* words; *g Thou shalt not robbe the poore, because he is poore*? Therefore we may robbe the rich because he is rich, and may well spare it.

Obserue further in the very text, as if God of purpose would preuent this cauill. In Deuteronomie there is no mention of the poore at all, but the Law is deliuered in generall termes, *h Thou shalt not giue vpon vsurie to thy brother, but to the stranger thou maist.* There is no limitation or toleration to any, but only to the stranger. If he be thy brother thou maist not take vsurie of him. Is not the rich thy brother, as well as the poore?

Adde moreouer, that as when the Law was giuen, there was none that borrowed but only the poore vpon necessitie: so afterwards in the Prophets, when there might bee vsurie among the rich also, there is no mentiō of the poore: but vsurie is absolutely forbidden without respect of persons. If the law of God should extend no further then to the persons mentioned at the first giuing of it, wee should make it very defectiue. For being giuen in the wilderness

H

before

*f Calvin. E-
pist. de usu-
ra.*

*g Prou. 22.
22.*

*h Deut. 23.
19.*

*i Ezek. 18.
13. 17.
Chaz. 22. 13
Plal. 15. 5.
Prou. 28. 8.*

* Exod. 20.

before the peaceable establishing of Common-weales or kingdomes, it was then directed vnto particular families, ** Honour thy father and thy mother*: yet by vertue of these words, doe Kings and Emperours of due challenge obedience, though at the first giuing of the Commandement there was neither King nor Emperour in Israel. So likewise though the poore only were mentioned at the first, because none but they did then borrow, notwithstanding this intent of the law is to be extended, euen as vsurie shall extend it selfe to all persons whatsoeuer.

Last of all, it shall appeare that there may be as vnlawfull and as biting vsurie in lending to the rich, because he is rich; as to the poore, because he is poore. Therefore personall difference cannot distinguish lawfull and vnlawfull vsurie.

Because thou wilt not oppresse the poore, thou wilt lend thy moneies to a rich Merchant, who shal take no hurt, but gaine largely both for himselfe and thee. I demaund then to what end doth he borrow, being of so sufficient wealth? Forsooth that hee may compasse greater matters then his owne stock will reach vnto. I aske then, what warrant there is in equitie and conscience, either for him to borrow, or thee to lend?

m Pro. 5. 15

n Heb. 13. 5

If God hath blessed him with a stocke of his owne, by which he may liue in good fashion, shall hee out of a couetous and vaine humour to become a Royall Merchant, reach beyond his reach? *Let him plough with his owne beifer,* and *m drinke of the water of his owne well*: else he bewraieith a couetous and ambitious minde, contrarie to the Apostles rule: *n Be content with those things which you haue*. He tempteth God in ventring more then his owne: whereas a Christian mans resolution should be, that whatsoeuer befalleth, though *Iobs* calamitie fall vpon him, yet so neere as he can, hee should lose no more then his owne. Gods law did intend that none should borrow but for need. A rich man, I confesse, may need vpon occasion, and thou maist lend him freely to receiue the like courtesie from him another time:

but

but to lend him that hee may get double or trebble gain for thee and himselfe, with thy wealth (who perhaps is of Master *Gromelgainer* his opinion, who thought in his conscience that a Merchants gain is not to be stinted;) to lend to such a one, I say, is to feed a greedie and ambitious mind in another, for which thou standest answerable; because thy money if it come to thee on Gods name, is Gods blessing, and God hath made thee a steward of his blessings; thou must therefore give an account, when thou giuest vp thy stewardship, how thy money hath been employed.

o Dr. Wil-
son, fol. 5.

Lend not then to the rich, because hee is rich. For as to lend him freely is no charitie, because he needs it not; so to lend him vpon vsury is no equitie, because thou dost thereby enable, yea and incourage him the more to fat himselfe by feeding vpon the Common-wealth: who will bee sure with thy money to pay thy vsurie; to bee a sweete gainer himselfe, and to supply all by-losses besides, or he will want of his will.

It was not therefore the meaning of God in his law to make any such personall limitation of lending to the poore only, seeing that by this kind of loane euen to the rich also, there may be biting and oppression in great measure: which cases though they be not essentiall to the act of vsurie, yet are they sufficient to demonstrate that the personall difference of poore and rich, doth make no reall distinction betwixt lawfull and vnlawfull vsurie; which is to the purpose of this second exception.

Let vs see further if there bee any other shift which the wit of man hath deuised to auoid this law of God. For neither of these two can stand by it self: and if we ioyne them together one ouerthroweth another. For shall wee sticke close to *Nesbec*, and condemne only biting vsury, as if there were some which did not bite? Then must wee respect no persons, but giue over this distinction of poore and rich: for verely we must bite none.

S. 4.

A third exception is reall, against the obligation of the

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law

Rom. 13. 10

law it selfe. For that which is chiefly pressed, by *Molineus* and his fellowes in this assertion, is this: *That vsurie is no further forbidden by the law of God in Moses, then it is opposite to the rules of iustice and charitie.* Which wee doe grant them most freely. For no more is theft, adulterie, murther, or any other transgression of the second table forbidden any otherwise, then as it standeth in opposition to iustice and charitie. For *charitie* (saith the Apostle) *is the fulfilling of the law.*

So that whosoever transgresseth the law, transgresseth iustice or charitie; though not all alike, nor in the same degree of euidence to be discerned; but some more obscurely then other: which thing begetteth so many difficult cases of iustice in lawes, and of conscience in Diuinitie. Amongst which this case of vsury is not the least, because the iniquitie of it cannot so easily be discerned, as of theft and bare faced robberie, whose malice and iniustice doth open it selfe to the first sight. And that vsurie is a thing in it selfe inordinate, and so consequently opposite to iustice and charitie both, shall be more fully expressed when we come to the arguments drawne from those places. But our present businesse in this Chapter is to deale with the very text of Scripture, the written law of God.

Their meaning then, who would patronize vsury, is this: that Gods expresse law against it is not morall binding Christians; but iudiciall or politike only, framed peculiarly for that Common-wealth of the Iewes. Which conceit likewise ouerthroweth that former distinction of biting vsurie: for if God in that law doe forbid biting and oppressing vsurie only, then is that law morall binding Christians as well as Iewes: except they would muzzle the Iewes, and giue Christians libertie to bite and oppresse their brethren. These groundlesse conceits are built likewise with vntempered mortar, they ouerthrow one another and themselves.

When wee looke into the consent of Interpreters, wee shall finde no question made, but the law against vsurie is morall

morall and as binding as may be. Looke into the Prophets, and they euer combine this sinne of vsurie with the transgressions of the Morall law in the highest degree, with *lying, backbiting, deceit, wrong, briberie*; Psalme 15. with *Idolatry, oppression, adulterie, crueltie, vnmercifulnesse to the poore, bloodshed and murder*; Ezek. 18. with the *profanation of holy things*; with the *abomination of uncleannes*; with the *unnaturall sinnes of incest*, Ezek. 22. *Vsurie* (saith S. P Basil) is placed among the greatest abominations; all of them transgressions of the Morall law.

It is true indeed, there is a iudiciall and politique toleration annexed vnto this law, *¶ that the Iewes might take vsurie of strangers*; but that maketh not the law it selfe iudicial; but rather morall. The Iewes had a diuorce permitted vnto them^r in the same book of *Moses*, the next chapter, and yet the 7. Commandement, to which that belongeth, is morall notwithstanding: In like manner the Iewes might take vsurie of strangers, which was a peculiar toleration for that nation, yet the law against vsurie is morall:

Of which peculiar permission there was speciall cause: whether we take it for all strangers in generall, or for the Cananites and those who dwelt among them in particular.

1. If it was lawfull for Iewes to exact vsurie of all strangers that were not Iewes, that was permitted of God, as a wise lawgiuer to preuent the greater oppression of his own Church and people. For if the Iewes had not had power to haue made their part good with the wicked Gentiles, the Gentiles would haue eaten vp Gods people.

Besides, such was the hardnes of Iewish hearts, that if they might not haue taken vsurie of strangers, they also would haue made a pray euen of their owne brethren. Which toleration in ciuil respects might absolue the Iewes in the externall Court, but not in the Court of Conscience; no more then the toleration of diuorce did dispense with that^r hardnes of their hearts before God.

2. If by stranger in that toleration be meant onely the

H 3

remnant

Περὶ μισθώσεως
καὶ κτηνῶν.
Supplem.
vers. 14.

¶ Deut. 23.
20.

¶ Deut. 24.
1.

¶ Mar. 10. 5

Lib. de Tobia, cap. 15.

Lib. 6. in Ezk. 18.

Lib. de Tobia, cap. 15.

In Exod. 22. 15.

De arcana veritat.

lib. 11. c. 4.

Lib. 6. in Ezk.

remnant of the Cananites, as ^t S. Ambrose and ^u Hierome among the ancient, Iunius and Tremellius of later time haue expounded it: then is there a more speciall reason of it, that they might deuoure them by peece meale, whom they could not ouercome at once. Whereupon saith S. Ambrose, ** Ab hoc usuram exige, quem non sit crimen occidere*: Thou maist lawfully take vsurie of him, whom thou maist lawfully kill.

Now when the Cananites were once suppressed, we find all vsurie euer after simply forbidden without any such limitation. So the Hebrewes vnderstood the 15. Psalm, as if it were vnlawfull for a Iew in *Dauids* time to take vsurie of any Gentile. Which ^y Lyrannus reporteth to be the opinion of *Rabbi Salomon*, and which ^z P. Galatinus noteth to bee the iudgement of the Rabbines in generall. To which assertion S. Hierome vpon Ezekiel subscribeth: ** In the beginning of the law usury is forbidden towards thy brethren, in this Prophet towards all.*

Which speciall permission of lending to a stranger (be it Cananite or stranger in generall, which for the present conclusion I leaue as a thing indifferent) doth rather confirme that law whereto it belongeth to bee morall, then otherwise; and so consequently vsurie to be simplie vnlawfull. For lawfull things haue no need of permission.

Last of all, let that permission of lending to a stranger passe as nothing concerning Christians; because the partition wall being taken away, wee are all brethren: and then the question for the interpretation of the law dependeth chiefly vpon this point, how farre that law of *Moses* against vsurie did binde the Iewes among themselves?

If all increase aboue the principall then was simplie forbidden to the Iewes, as is granted by them who make this exception; I demaund what warrant Christians haue in assuming greater libertie herein vnto themselves, then was granted vnto the Iewes? Our Christian libertie I confesse is much greater then theirs was for rites and ceremonies, which were shadowes of things then to come, as the Apostles

stles doe warrant vs. But for matter of equitie and charitie among brethren, God did vse more toleration and conuencie towards them, then hee doth toward Christians, of right looking for more fruite at our hands then theirs, in regard of that Gospell of grace which we doe enioy.

If that vsurie alone which hath a *Neshec* or oppression in it was forbidden in the Law, as opposite to the rules of iustice and charitie, then was not that law iudiciall or peculiar for the Iewes, but obligatorie and standing in as full force and vertue amongst Christians, as euer it did amongst them.

So that grant them whatsoeuer they will demaund, let them winde themselves which way they list, yet the law of God maketh strong against them both in letter and sense, condemning all vsurie for a sinne.

§. 5.

As vsurie is a sinne in it selfe by the censure of the text, so is it branded by the holy Ghost for a sinne of that nature and degree which doth make shipwrack of conscience: the continuance of which sinne cannot stand with the grace and fauor of God. For God hath in his law noted this sin, amongst others, with some special marks of impietie, & hath sealed his law against vsury with his owne signet and great seale. The same motiue which God vseth by way of preface for the keeping of all his Commandements of both tables, he hath singled out and annexed it to this law against vsurie: *Thou shalt not giue him thy money to vsurie, nor lend him thy victuals for increase. I am the Lord your God, which brought you out of the land of Egypt, &c.* And againe, *Thou shalt not take vsurie of him, nor aduantage, but thou shalt feare thy God.* As if vsurie and the feare of God could not stand together. Ezechiel also concluding all the abominations therein mentioned with vsurie, hee sealeth it vp with that feartull censure, *Shall he liue? he shall not liue, he shall die the death, his blood shall be vpon him.*

Leu. 25. 38.

vers. 36.

Ezek. 18. 13

Psal. 15.

And as David doth excommunicate the Vsurer out of the Tabernacle of Gods Church, and depriue him of eternall

Prov. 28.8.

In the Sermon of Vsurie.

nall rest in the holy hill; so doth his sonne *Salomon* menace a curse vpon his wealth so gotten, and vpon his posteritie, who hoped to haue enioyed the same. *He that increaseth his riches by vsurie and interest, gathereth the for him that will be mercifull to the poore.* That is to say, the Vsurers children shall neuer enioy them. How true that is which the painfull Preacher Master *Smith* obserued concerning the children of such in London, who grow wealthie by interest; and that which the penitent Merchant in *D. Wilson* remembreth of Vsurers issue, I leaue to them who out of longer experience can speake of that point.

Let euery one therefore who desireth to resolute his conscience for this matter by Scripture (the only true ground of a Christian resolution) let him consider, I say, how neither vsurie nor interest, biting vsurie nor increase is euer once named in the booke of God, but it is condemned; condemned amongst such abominations as bring a curse instead of a blessing: an eternall curse vpon the soule of the Vsurer, and a temporall curse vpon his wealth & posteritie.

Let some of these tender consciences, who are so vrgent to call for warrant out of the booke of God for euery ceremonie and matter of forme in the Church, seeke a warrant for this their practise, which so neerely concerneth them; and let them seeke it at the Oracle of God, who hath not left it, as he hath many other things, either to the discretion of the Church, or wisdom of Common-wealths; but hath vouchsafed to determine it in his own booke to our hands: to set downe an expresse law against it in Exodus; to renew and reuiue that law againe and againe in Leviticus and Deuteronomie; to ratifie and confirme it with no other words then himselfe vsed at the publishing of the whole Morall law; to specifie the only limitation which he meant to tolerate for a time; to adde the promise of blessing to the keepers of this law; and to denounce such fearefull iudgements against the transgressors of the same: vpon their wealth and posteritie in this world, vpon their owne soules in the world to come.

Since

Since it hath pleased the Almighty God thus fullie and exactly to expresse his will for our resolution in this point; let vs not be so readie to flie from his expresse word to humane inuentions; I meane those deuised distinctions which fauour the seruice of Mammon more then the seruice of God; which fauour the things that be of men, to wit, the profit, the ease, the securitie, the sweete gaine of Interest; a trade which flesh and blood must needes affect and bee greatly inclined vnto.

CHAP. III.

Of the testimonie of ancient Fathers.

Here be a sect of spirits in the world, who can not with patience endure to heare any authoritie alleaged saue onely Scripture: as if the very bare text it selfe did speake so euidently to their vnderstanding, that there were no neede of an Interpretour. And it falleth so out in this businesse, as it doth in few points of question besides; that I could be very well content they would retaine their opinion still, and put all Interpretors to silence; so might wee spare further labour, and the question were at an end. For the text neuer mentioneth any kinde of vsurie, but with detestation, without distinction, difference, qualification; condemning it, cursing it, denouncing plague vpon plague vpon it, as vpon a sinne most odious. But see how strangelie it is come about of late times, that euen those spirits which are most nice in these points, now the question is come to a matter of profit and gaine, are of all others most readie to auoid the text, by new deuised trickes and inuentions of men.

Against these let vs aske counsell of the ancient and holy Fathers of the Church. So doth God by his Prophet direct his people of that time: *Aske for the old way which is the good way, and walke therein, and you shall finde rest for your*

sonles. ² Ier. 6. 16.

1. Cor. 14.
20.

sonles. The way of these ancients, next to the Apostles, was the old way, and no doubt the good way, if we had grace to walke in it. We thinke our selues wiser then they; but I am sure they had more religion then we. Of this new learning for the defence of vsurie, I confesse they were altogether ignorant. Though they were fathers, yet *concerning naughtinesse they were children*, as the ^b Apostle wisheth them to be; they did simply and plainly take the holy Ghost as hee spake, conforming themselves to the Scriptures in this point most exactly; neuer mentioning vsurie, but condemning of it with so many inuectiues, as would fill a whole volume of themselves. But it shall be sufficient for vs only to giue a taste of some few, resting our selues vpon this generall obseruation, as for this point vnanswerable, that we finde not any of them which writeth of it, but writeth against it, without any mincing or qualifying of the matter.

^c In Epist.
ad Basil.

If wee reuerence the iudgement of reuerend men, both for their learning and sanctimonie of life; let vs begin with that ancient Holy Father, who hath fully expressed himselfe for this point: *S. Basil the great*, that *little sparke of Religion*, as *S. Nazianzen* calleth him, left alone in the East, when all true professors seemed to be extinct.

In his Supplement vpon the 15. Psalme hee taketh this point in hand, grounding his censure first vpon the Law and Prophets, which in his vnderstanding doe cleerely forbid vsurie, and account it amongst the most hainous transgressions. To exact of the poore which borroweth for neede is inhumane; yet such inhumanitie was practised in his daies. Which thing though it be not the point now in question, yet the relation which that Father maketh of it, doth directly strike at the nature of all vsurie whatsoeuer. Take *Salomons* rule (saith *Basil* to the borrower:) *drinke of the waters of thine owne well*, sell thy cattell, thy plate, thy household stuffe, thy apparell, sell any thing rather then thy libertie. Worthily is vsurie termed *tyranny*. (as the same Father continueth his speech) for it breedeth and bringeth forth so many

Homil. 41.
in Genes.

ruli; I haue taken vsurie, but I haue giuen it to the poore. But God (saith *Chrysostome*) is not delighted with such sacrifices; thou hadst better not giue at all then giue such almes. Doe not you your selfe count vsurie *sordide*? Doe not the lawes forbid Senators and publike persons to defile themselves with such filthie lucre? This law against vsurie (saith the same Father) was giuen to the Iewes in the beginning, when they were but rude, that they should not take vsurie of their brother; how can Christians then be excused who shew lesse humanitie to their brethren then Iewes, and are found worse in time of grace then the Iewes were vnder the law?

Homil. 12.

The author of the vnfinished worke vpon *Mattheu*, though it be not *Chrysostomes*, yet agreeth with him in this; that while vsurie seemeth to giue, it taketh; while it seemeth to succour, it oppresseth; while it deliuereth from one bond, it inwrappeth in many. It lulles men asleepe like the payson of *Aspes*, and as leuen it conuorseth the whole substance of man into it owne nature, that is, into debt.

a Strom.
107. 2.
b Epist. ad
Lato.
c Ex lib. de
nuptiis.
d Lib. 4.
cont. Mar-
cion.
e De vera
cultu lib. 6.
cap. 18.
f Lib. de
Tobia, ca. 12

For *Clemens* a *Alexandrinus*, for b *Greg. Nyssen*, for c *Greg. Nazianz.* &c. it will be sufficient only to gather their voyces; because they did but taste and spit out.

S. 2.

If wee looke Westward, d *Tertullian* doth but touch it, and reiect it. e *Lactantius* saith, It corrupteth the benefit of loane, against charitie; it taketh that it neuer gaue, against iustice: and a righteous man will neuer bee polluted with such gaine, but will ouer haue his lending to be reckoned among his good doedes. f S. a *Ambrose* saith, There is nothing more horrible then an Usurer; he is an odious man, and his money is a viper. In conclusion, he vseth this argument against it: Si licitum est, cur vocabulum refugis? cur velamen obtexis? Si illicitum est, cur incrementum requiris? If vsurie be lawfull, why doest thou auoid the name? why doest thou put a vaile ouer it? If it be vnlawfull, why doest thou receiue any increase?

If wee desire S. *Augustine* his iudgement for this point, (who

(who is in stead of many) hee is so confident that he appealeth to the Vsurers themselves, who practised in his daies: *Quàm detestabile sit, quàm odiosum, quàm execrandum, puto & ipsi fœneratores nōrunt*: How detestable a thing it is to giue money vpon vsurie, how odious, how execrable, I suppose the Vsurers themselves are not ignorant.

But hee might happily speake of some excessive vsurie, or extortion. Obserue therefore how presently hee explaineth himselfe in the very same place: *Si aliquid plus quam dedisti expectes accipere, fœnerator es & in hac improbandus*: If thou looke to receiue any thing more then thou gauest, thou art an Vsurer, and therein to be condemned.

The common obiection which is made for vsurie in the behalfe of such as haue a stock of money and not skil to vse it; is answered by the same Father somewhat sharply: *Audent etiam fœneratores dicere, non habeo unde viuam; hoc mihi & latro diceret deprehensus in fauce: hoc mihi & effractor diceret deprehensus circa parietem alienum: hoc mihi & leno diceret, emens puellas ad prostitutionem: hoc mihi & maleficus diceret, incantans mala, & vendens malitiam suam*. The Vsurers also (saith he) dare say they haue not else whereon to liue: so may the robber say, taken in the theeues haunt: so may the burgler say, caught vnder another mans wall: so may the bawd say, who buyeth young women for prostitution: and so may the witch say, inchanting mischief, and selling euen malice for money. His finall sentence is, *That Vsurers belong not to the Church of God*.

Shall wee descend any further? Leo the Great is well worth the noting; *Quilibet sequatur euentus mala semper est ratio fœnerantis, ut aut miser sit amittendo quod dedit, aut miserior accipiendo quod non dedit. Multiplicatur quidem facultas iniustis & tristibus incrementis, sed mensis substantia contabescit; quoniam fœnus pecunia fœnus anima*: What euer the euent be, bad is the condition of the Vsurer: for the wretch shall either lose that he gaue, or be more wretched in taking that he gaue not. His substance indeed is multiplied by vnlawfull and wofull increase, but the substance

*In Psalm.
36.*

*In Psalm.
128.*

*h Ad Macedon. &
Habet. 14. q.
4. Can. Quid
dicam.
De ieiunio. 10.
mensis,
serm. 6.*

k Epist. 322.
ad Spiren-
ses.

of the inward man dieth. For monies interest is the soules funerall: a dead soule, dead and buried in sinne is the soule of the Vsurer.

Let me conclude with deuout^k S. Barnard: *Taceo quod sicubi desunt Indai, peius Indaiizare dolemus Christianos forneratores. Si tamen Christianos, & non magis baptizatos Indeos conuenit appellare.* Hee writeth with grieve that which willingly he would conceale; *That if Iewes were any where wanting, Christian Vsurers did play the Iewes worse then themselves. If it be fit (saith he) to call them Christians, and not rather baptized Iewes.*

So farre were these holy learned Fathers from moderating or qualifying this practise of vsurie, that whensoever any of them doe meete with it, they sharpen their pens, as if their spirits were moued and stirred in them more then ordinarie. Verely they discerned some malignant and venomfull qualitie in vsurie, which opposed it selfe vnto that spirit by which they wrote.

CHAP. III.

Of the later times of ignorance.



As the bodie is proportionable to the head, so is the mysticall bodie of Christ conformable to himselfe, especially in his passion. For as the Church shall be like him in glorie, so must she be likewise in suffering. As Christ therefore had first a bloodie and then a cloudie passion, when ^a *darknesse was vpon the earth, from the sixth houre to the ninth*: so after those bloodie persecutions of the primitive Church were ouer, that she grew from peace to securitie, shee was strangely eclipsed with ignorance and blindnes; a mist of darknesse was vpon her; during which time notwithstanding many points of moralitie, especially this against vsury, did continue and retaine their former integritie. Which I must ascribe especially vnto two causes.

^a Mat. 27.
45.

1. First,

1. First, the doctrine concerning workes of charitie was very well preserved & vehemently enforced in those times; because it was a profitable doctrine by which the Church did thrive and grow full. Therefore they would be sure to keepe out those sinnes which strike so directly at Charitie, as Vsurie doth; like that *cambium siccum*, which drieth vp the very roote of charitie and equitie.

2. Secondly, the Fathers of the Church by their inuestiues, in former times, had made such an impression in the mindes of Christians against vsurie, that in time it grew so odious and detestable, as it was no fit time for the diuell to bring in that sinne, vnlesse it came very cunningly disguised: in so much as ^bthere was scarce one Vsurer to be found in a whole citie. Neither would hee practise, but by secret stipulation, and protestation, that he should not be discovered. If he were but suspected (as in time he must needs be) his house was called *the Diuels house*; and so euery thing he possessed; *the Diuels field, the Diuels vineyard, the Diuels pit*. Not any of his neighbours would communicate with him, so farre forth as to fetch fire at his house. The children in the streetes were scared at the sight of him, as if some bulbegger had passed by: running aloofe they would point at him with the finger, that others might know him, as if some strange monster were to bee seene.

When after in processe of time the practise of it grew more common among Christians; yet the learned amongst them would giue most hard censure vpon Vsurers in their writings & preachings. ^c*Fenerator tristissimos habet exitus huius vite: cuius mors detestabilis, cuius finis interitus, cuius damnatio sine fine*: Most wofull is the passage of the Vsurer out of this life; whose death is detestable, whose end is damnation, whose damnation is without end.

The schoole Diuines of both houses are cleere against vsurie; vsurie of all sorts. The *Thomists* and *Scotists* have no quarrell at all for this question.

It were extreame follie to blot paper in the alleaging of particulars,

^b Centur.

12.4.

Petrus Can-
tor.

^c Petrus

Blesens.

Epist. 131.

4 Iudg. 20.
16.

particulars, there is not any of them but doth absolutelie condemne all vsurie as simply vnlawfull. Where obserue how the most acute and subtrill wits of those times, who did set themselves to coyne distinctions, and to finde out most exact differences of things; who were able to dart an argument, as the mē of Gibeah did stones,^d at an haire's breadth; yet were neuer so quick sighted (as some in these daies be) to spie out that case, wherein vsurie is lawfull.

CHAP. V.
Of Councils.

Gen. 1. 31.



WE haue taken a brieve view of the iudgement of the learned thus farre, and in them of the Church: wherein we find a full consent and harmonie without any iarre at all. But as Almighty God (after his particular reuiew of each daies worke, wherein hee saw it was good) did at the last take a more generall reuiew of the whole frame of heauen and earth, and then saw that it was *very good*: So if wee take a generall view of the Church assembled in Councils, wee shall finde that this we haue said is very true.

Tom. 2.
pag. 308.

What the Church did take vsurie to be, is defined in the Councell of *Agatha* vnder *Symmachus*. *Vsura est ubi amplius requiritur quam datur*: When any thing more was received then was deliuered: as the Councell giueth instance in money and corne.

Can. 18.

The first Councell of *Nice* decreed against it: *Sanctum & magnum concilium in se statuit, ut si quis inuentus fuerit post hanc definitionem usuram accipiens, abiciatur à Clero, & alienus à Canone sit*. And Clergie men were neuer degraded but for deadly sinne.

Can. 12.
Can. 20.

The first Councell of *Carthage* held it filthie lucre.

The *Elibertin* Councell degraded the Clergie, and excommunicated

communicated the Laitie for the same.

But the *Lateran* Councell vnder *Alexander* the third was most bitter; who when question was made by *Panormitan* an Archbishop, whether vsurie might not be dispensed withall for the redemption of poore Christians taken captiue by the Saracens; returned this answere: *Præsentibus tibi literis duximus respondendum: Quod cum usurarum crimen utriusque testamenti pagina detestatur, super hoc dispensationem aliquam non vidimus admittendam*: That since both old and new Testament hath made vsurie detestable, no dispensation was to be admitted, no not for the redeeming of Christian captiues.

It was decreed in the same Councell, that manifest *Vsurers* should bee deprived of the communion and fellowship of Christians in their life, and of Christian buriall after death, till their heires had restored their vsurie.

Alexander explaneth it further, that such restitution was to be made to their heires, if they were dead; if heires were not to be found, it went to the poore.

The Councell of *Vienna* vnder *Clement* the 5. condemned all for Heretikes who held vsurie to be lawfull.

By this that briefly hath been said, wee may gather what hath been the sentence and censure of the Church both in her time of puritie, as also since the time that by long standing still, she had gathered corruption.

It remaineth now that wee examine how farre she hath been purged and reformed concerning this point of vsurie, by our later Diuines.

Can. 1.

Ibid Salernitano Episcop.

K

CHAP.

CHAP. VI.

Of the testimonie of Diuines in reformed Churches.



If there be any hope for vsurie, now wee are come vnto it. Men care not much for antiquitie, if noueltie will helpe them to so easie and sweete a gaine.

Let vs begin with *Luther*, and see what hee findeth worthie of reformation in this point. Now wee must re-

member that in his time there was crept into the Church a cunning kinde of masked vsurie allowed of by the Pope, termed *contractus redemptionis*, a bargaine and sale with couenant of redemption, if the money be paid back againe at such a day. The toleration whereof is by him made a note of Antichrist. *Nec sic tamen adesse Antichristum ullus credit*: He was angrie with the world that men would not beleue the Pope to be Antichrist, for toleration of a little spice of vsurie. So farre was *Luther* from fauouring of it. But wee haue very wisely of latter times left out this note. And surely if wee had no greater matters to lay to the charge of the Pope, then toleration of vsurie, I thinke wee should yet looke for another Antichrist.

Melancthon proueth expressely, that what gaine soeuer is demanded for meere loane, is simply forbidden in *Leuiticus* and *Deuteronomie*; that it is directly repugnant to equalitie and iustice; that it doth exhaust men where it is used; that the cloaking of it vnder the name of honest interest, is a meere sophistication.

That worthie writer *Chemnitius* hath written a large treatise in his Common places against vsurie, answering al their arguments and caillations, shewing what cold comfort it is for a conscience to relie vpon new deuised distinctions, against such expresse and general prohibitions of Scripture.

Arcerius

In *Psalm. 115.*

Definitio-
nes appella-
tionum.

Loco de
naupert.
cap. 6.

Aretius vigeth the same point not only out of *Moses* and the Prophets, but as simply forbidden by Christ, *Lend looking for nothing againe*. Vnderstanding it not of the principall, but of increase, because of the word *dares*; as if it were not a lending but a free beneficence, if the principall were not to be expected. Howsoever that place may be subiect to other interpretation; yet by many pregnant proofes besides doth he absolutely condemne vsurie. And albeit *Beza* differ from him in expounding that text; yet euen from that text doth *Beza* condemne vsurie.

Musculus likewise dischargeth his conscience against all vsurie, euen that of Orphants. But with little hope of amendment; for his conclusion is, that *Diuines shall reforme vsurie, when Physitians haue cured the goutte*. Both are vncurable; this as great a sinne, as that a disease, and will one day racke the conscience, as that doth the sinowes, if it be not prevented in time.

What should I speake of ^a *Erasmus*, of ^b *Zuinglius*, of ^c *Camerarius*, of ^d *Oecolampadius*, of a number of others, whose very names would replenish a page, all of them simply and directly against vsurie.

This hath been the generall iudgement of the Church, for aboue this fiftene hundred yceres, without opposition, in this point. Poore sillie Church of Christ, that could neuer finde a lawfull vsurie, before this golden age wherein we liue.

§. 2.

But yet are wee not come to the maine point: for the Heluetian Diuines, and some of Geneva, are supposed to stand close by them, able to answer whatsoever can bee said against vsurie. They aske what we say of *Caluin*, *Bucer*, *Iunius*, *Zanchie*, *Hemingius*, and others of that ranke? Wee say they were as^{*} worthie Diuines as euer the Church enjoyed, since it enjoyed them. But the question is, what these haue said of vsurie.

Let vs take a taste of the principall of these, vpon whom Vsurers doe chiefly relie as vpon their chiefe patron. Ma-

Problem.
de usura.
Luk. 6. 35.

*Ilud tamē
certum est,
multò ma-
gis prohibe-
ri sœnato-
rias pacti-
nes. Beza.
in annotat.
Luc. 6. 35.
Supplm. in
Psal. 15.*

^a De puri-
tate tabern
^b In 6. Luc.
^c Cateches.
in Exod.
Præcept. 8
^d In Prophe-
tas minor.

^{*} Mr. Hoo-
ker in pre-
face to the
Eccles. pol.

Epist. de
vsa.

After *Caluin* hath said much of it: yea and by their leaues, much against it. Writing vpon the 18. of *Ezechiel*: *Certe fœnerator semper erit latro: hoc est, qui quastum faciet ex fœnore ille predo erit*: Certainly (saith *Caluin*) an Vsurer will euer be a theefe: that is, he who will be a gainer, by vsurie will be a spoyler. This is an vnkinde salutation. But hee said as he thought: for vpon 15. Psalme he thinketh, *there is scarce an honest man of an Vsurer to be found in the whole world*. Moreouer, he saith where he writes most fauourably: *In repub. bene constituta nemo fœnerator tolerabilis est, sed omnino debet e consortio hominum reijci*: An Vsurer (saith *Caluin*) is not tolerable in a well established Commonweale, but vtterly to bee reiected out of the companie of men. *Certe fœnerare questus est illiberalis & indignus homine tam pio quam honesto*: Verely (saith he) to play the Vsurer is an illiberall gaine, and vnworthy either a godly or an honest man. But stay, is this the great patrone of vsurie? Surely I would wish all Vsurers to blesse themselves from such patrons. Our next enquirie then will be, what is to be found in these mens writings, which hath giuen such encouragement to the Vsurers of our time.

CHAP. VII.

Of their assertion who haue most fauoured Vsurie.



Ad it not been for those banished men, who in time of persecution fled into those parts for succour, this doctrine against vsurie had neuer been called into question. But these exiles bringing stocks of money with them, and wanting skill to imploy it in those strange places; it was pitie they should haue been driuen to haue spent vpon the stocke: therefore

therefore their money was vsed by others who had skill, and some allowance made to them for the vse. This practise growing both common and publike, it remained then that the wit of man out of a tender commiseration towards those who suffered exile for Religion, must trie what it could doe, if not directlie to defend, yet somewhat to qualifie the matter. Thus pitie brought in practise, and practise must seeke apologie: *Humanum est*. But what apologie hath it found? I finde that these Diuines deale with vsurie, as the Apothecarie doth with poyson, working, and tempering it with so many cautions and limitations, that in the end they make it no vsurie at all.

Let vs begin with Master *Caluin*, who in this point moueth the rest of the planets; though not as *Luther* was wont to doe before him; who like the *primum mobile* carried all by violent motion: but *Caluin* like the *eight Sphere* had certaine motions of *trepidation*, as in diuers points, so in this of vsurie.

Being pressed by a friend to giue answere by letter for a friend; *Whether vsurie be simplie unlawfull*: Good Lord, how loath hee is to bee brought to the point, doubting that his friend would catch at some word, and for an inch take an ell! *Metuo ne ille verbulo quodam arrepto plus sibi multo permittat quam vellem.* ^a Wishing that the very name of vsurie had been long since banished the world: desiring nothing more but that he might neuer more be urged to speake to that point. And in conclusion, ^b admonishing his friend in any case not to relie upon his iudgement. What might it be then that this learned man said, when he said the worst, which he was so loath to say? ^c That he was not yet by any testimonie of Scripture fully resolved that all vsurie is altogether condemned.

And supposing *Moses* his law against vsurie to be a politike law only, he inferreth that ^d doubtlesse the Prophets did speake more hardly of vsurie, because it was forbidden, especially among the *Iewes*. Whereupon hee concludeth, that

^a Optandum quidem esset omnes usuras, ipsumque adeo nomen e mundo iam pridem exulasse: ut nihil magis exoptem quam ut mihi necessitas non sit argumentum istud deinceps attingere. ^b Tantum abest ut istud ate pro edicto vel axioma haberi velim, vel in eo plane acquiescere. ^c Nullo testimonio scriptura mihi constat usuram omnino damnatas esse. Non autem constat usuram omnem esse prohibitam. Epist. ^d Certum est durius etiam loquutos esse prophetas de usuris, quia nominalim inter Iudeos illa interdicta erant.

• Nunc igitur
concludo
indicandum
de suis
esse non ex
particulari
aliquo scrip-
tura loco,
sed tantum
ex equita-
tis regula.

• Exactè e-
nim atten-
dere hic o-
portet. Epist.

Non proba-
tur si quis
usurariam
quasi ar-
tem, &c.
Epist.

Tantūdem
aut plus.

Quid expe-
diat reip.

• We must not iudge of vsurie by any particular place of Scrip-
ture, but only by the rule of equitie.

Where note by the way how thus much is granted. If the very text of Scripture may be iudge in this case, (as by his leaueme thinkes there is great reason that it should) then is all vsurie vtterly condemned. But if we flee from the text vnto our owne rules of equitie, and iustice, mans wit in these daies can spin out fine subtile cobweb cases, wherein iniquitie shall hardly bee discerned; and then forsooth some kinde of vsurie may perhaps seeme to bee somewhat equal. Yet for all that Master *Caluin* will not venture to defend any case, except these rules following be very precisely kept.

1. The first, which hee propoundeth by way of preface to his conditions, is, that a man must make no custome or trade of it: once or twice and use it not. As *S. Hierome* saith of play and sport: *Hoc potes facere, sed hoc non est opus tuum*: We must not spend our life in sport; so saith Master *Caluin*, we must not make a liuing of vsurie.

2. The second is, *Ne exigatur ab egente*: It must not be taken of the needie, or such as be vrged to borrow vpon necessitie.

3. The third, that thou be not so addicted to gaine, but that thou be still ready furnished, and willing to furnish thy poore neighbour in his need, freely.

4. Fourthly, that the rule of Christ be euer thy touchstone, to deale no otherwise then thou wouldest be dealt with in the like case.

5. The fifth condition is, that the borrowers gaine be so much more, at the least, as thy interest commeth vnto.

6. The sixth is, that not only a respect be had to the borrower, but to the good of the Common-Weale also, that that receiue no preiudice. If he cut a few more such shreds, hee will leaue but small lawfull vsurie behinde.

7. The last is worst of al for English Vsurers, to wit, that we neuer exceed the stint set downe in the Country or Common-
weale where we liue. For our Statute now in force forbiddeth
euen

euē the least increase aboue the principall ; our law ap-
proueth none, but condemneth all ; it suffereth none, but
punisheth all ; yet with a difference, by the forfeiture of the
interest, if it be vnder ten in the hundred : if it be aboue, it
is then punishable by the forfeiture of principall and all.
Caluin therefore (if we take in his limitations and lay them
together that we mistake him not) wil relieue vs very little,
euē where he is most fauourable.

And because ^a*Zanchie*, who is held another great patron
of Vsurers, doth vndertake to set downe the true meaning
of *Caluin*, *Bucer*, and others that wrote before him in fa-
uour of vsurie, let vs heare what vsurie that is, which they
meant.

*It is lawfull to couenant for lucre, but vnder a condition, ei-
ther expressed in the couenant, or kept in minde : that if it ap-
peare the borrower shall gaine little or nothing, thy vsurie shall
be little or nothing : and further if he lose of the principall, thou
must beare part of the losse. Hoc enim postulat equitas & cha-
ritas.* This is the vsurie which *Zanchie* defendeth, and this
(saith he) was the meaning of *Bucer* and the rest. Yet this is
nothing but a meere partnership. If the lender take part of
losse as well as of gaine, it is no vsurie.

If any exception be to be taken to this assertion, it is to
those words : *Sed sub conditione vel expressâ vel tacitâ ; atq̃
in mente p̃i creditoris confirmatâ* : As if the bonds might
runne for the best security of the Creditor, to prevent fraud
in the debtor : provided that hee neither exact the bonds,
nor intend to exact them : and where there is neither exe-
cution in the act, nor intention in the heart, there seemeth
to be no poyson of sinne, the serpent is without a sting. So
that vpon the point *Zanchie* will giue a man leaue to be an
Vsurer in parchment, but not in heart : to couenant for his
best securitie, yet neuer intend to execute his couenant. But
this, me thinks, is too too cunning : plaine dealing were the
best. Verily God would haue vs both to be as wee seeme,
and to seeme as we be. For, as for a bad man to bee good
in shew, is hypocrisie ; so for a good man to bee bad in
appearance,

13. Eliza-
beth pre-
amble.

^a In Epist.
ad Eph. 48.

1. Theil.
c. 22.

b appearance, is scandalous and offensive.

It is great reason, I confesse, that the debtor should trust the charitie of the creditor, rather then the creditor should relie vpon the fidelitie of the debtor: and bonds in some cases may be lawfully made, which cannot be so lawfully exacted; as in forfeitures: where exactions be commonly oppressions: but this is onely in case where custome doth take away scandall, which in such a strange device as this is, cannot be.

* In Psal.
15.

* *Hemingius* likewise after a flourish made, as if he meant to defend vsurie against al arguments taken from Scripture and reason; in the end addeth a prouiso, which maketh his vsurie no vsurie. *Si cui pecuniam tuam ad vsuram dedisti, spoliatur, adeo ut ipsa quoque fors pereat, aut alioqui nihil lucretur: Christiani pectoris fuerit non solum sortem cum vsura remittere, verum etiam de nouo mutuum dare quo damnum acceptum resarcire possit*: If by calamitie the principall perish, it is the part of a Christian not only to remit principall and all, but to lend him more, that hee may recouer himselfe: which christian dutie maketh it no vsurie, seeing the lender beareth the perill of his principall against the act of God.

§. 2.

All things therefore considered and laid together, these learned men seeme in their writings not so much to defend vsurie, as to disable some of the arguments which are vsed against it; and therein I confesse they may take some advantage, which breedeth a preiudicate opinion of the truth it selfe, euen in the best learned: for as the worst enemy is a false friend, so the greatest aduersarie to a good cause, is a bad defender; for when learned men take a point in hand to examine, they will haue a speciall eye to the grounds whereupon it is builded; and if they find the foundation or groundcels vnfound, they haue great reason to suspect the building: the conclusion is not stronger then the premisses.

The force of the Philosophers argument taken from the

the barrenesse of money, and the vnnaturall brood of vsurie, being mingled with metaphors, if it be not rightly apprehended, is obscure and doubtfull. That also of *spending money in the first vse*, as if vse and property were vnseparable, so much stood vpon by schoole diuines, is much subiect to cauill: for there is sensible difference betweene spending a loafe of bread, and disbursing a summe of money for gaine: for whereas a loafe of bread once eaten hath no second vse at all, either to him that ate it or any other; money laid out remaineth still, the same peece to bee vsed againe by other, and the same summe in the equiualent to him that laid it out: and for the same indiuiduall peeces, which once deliuered shall neuer happily returne againe to the same person, there may bee some difference in a Philosophers braine, but not in a Merchants purse: it is all one in Commerce, whether it bee a *James* or an *Elizabeth*, whether it be the same shilling or as good.

Chemnitius therefore in his treatise against vsurie, doth aduise vs not to lay so much weight vpon these arguments as vpon those reasons, which are deriued from Scripture: and albeit these also haue some force in them being vrged to the right purpose (as hereafter we shall haue occasion to examine;) yet I doe verily perswade my selfe, that the very conceit of the weakenes of these grounds, hath moued many to thinke more fauourably of vsurie it selfe then there is iust cause.

Another motiue which caused these Diuines somewhat to decline the beaten way in this point; was, because in detestation of vsurie some lawfull contracts also haue been condemned by some for vsurie, which doe but coast vpon it: so that the very point of difference betweene vs for the matter it selfe, doth onely concerne some cases of greater difficultie, whose equitie or iniquitie can hardly bee discerned. Cases of a mixt and midling nature betweene vsurie and partnership, or some like lawfull contract; in which cases, if vpon examination there

be found no iniquitie or inordinate thing, then I hope those cases shall also be found to be without the compasse of that receiued definition before expressed.

If the question then doe fall vpon some particular cases which are doubtfull, whether they be vsurious or not; I make little question but the maine point will be easily agreed vpon amongst the learned: *That vsurie properly so called is simplie unlawfull.* I would to God the vnlearned would be as easilie perswaded to make conscience of that wherein Diuines of all churches in all ages doe accord; euen so farre as they doe accord.

CHAP. VIII.

Of the testimonie of Philosophers and Historians.



He testimony of Diuinity is sufficient to proue vsury a sinne: yet if the light of nature be able also to discover the same, it will aggrauate the matter much more: there bee moats which are not discerned but in the sunne-shine, as ^{*}S. Paul saith, *He had not knowne that concupiscence had bin a sin, except the law had manifested the same:* and suppose vsurie were but as a moate in the eye, yet euen that were troublesome, because the eye is tender, as the conscience of euery Christian ought to be: but if the inhabitants of the regions of darkenes, who neuer saw this sunne-shine of reuealed trueth, shall notwithstanding discern vsurie to be a thing inordinate and vicious; doubtles then it is no moate. Beames may bee discovered by the twilight of nature, and so hath vsurie euer been held euen among the heathen for a grosse enormitie.

^{*}Rom. 7. 7.

^aDe legib. 5.
^bPolitie. 1.
^c7.
^dDe reru.
Rica. Cicero
Offic. 2.

^aPlato in his lawes, and his scholler ^bAristotle in his Politicks haue forbidden it as *unlawfull*, and condemned it as *unnaturall*. ^cCato maketh it *twice as bad as theft*, and doth equall it with murder.

^dSeneca

^d Seneca findeth a place for it in the calender, but not in nature. ^e Plinie saith, it maketh idlenesse it selfe fruitfull. ^f Plutarch writeth that the vsurers doe mocke the Philosophers for that old principle, *ex nihilo nihil fit*; because they can make something of nothing: yet for all that he takes them not for Gods almightie, but tearmes them plaine diuels; such as Plato describeth in hell to be fierie executioners to torment damned soules. So these cursed vsurers (saith Plutarch being themselves turned diuels, haue turned the iudgement hall into hell. Were he not a heathen man, I should be out of patience with him for making so vnchristian a comparison; and for laying such imputation vpon courts of Iustice. But perusing it againe, I finde how hee maketh the Vsurer to cosin the lawe; for that hee writeth into his bill or booke more then he deliuered. As for the purpose, lending 100. he putteth in 110. so the lawe taking the vsurie to be part of the principall debt, is deceiued; and yet must doe iustice according to the euidence of the writings in most strict manner. Besides (saith the same author) they haue sure bonds and obligations, like the chaines and halters which Darius sent to Athens to binde the prisoners that should then be taken. Now if this be laid together, the comparison holdeth (very vnhealthily;) for vnto a foolish man impouerished by vsurie, the iudgement place is a very hell; the law is a torment, the Vsurers obligations be euermore lasting chaines, whereout the poore soule shall neuer come till he haue paid the vttermost farthing. The Philosopher therefore in all his booke neuer directeth his speech to the Vsurer, but leaueth him as a desperate person and incorrigible; aduising others to beware of him, as of some foule euil: to digge vnto the Potters earth, that is, vse all meanes of his owne, rather then borrow of him: to auoid that quagmire (as he tearmeth him;) for if a man once begin to sinke into his bookes, he will sucke him vp like a gulfe; if he get out one legge, the other sinke: For a borrower (quoth he) is like a horse that hath once taken the bit, he may often change his rider, but one or other Creditor is still vpon his backe. It is

^d De Benef.

7.

^e Histor.

Nat. 1.33.3.

^f dei tuum

dei tuum

300.

Ibidem.

Ibidem.

^a Hinc usura vorax
avidumq;
in tempore
fenu.

Lucan. 1.

^b Aristophanes de
nubibus.

^c Σαπὴν ὁ τό-
κον ἡ ἀ-
κρίτου ὡρε-
νίου τρεῖς.

^d Dialog. 56

^e Epist. de
usura.

^f Cornel.
Tacit. an-
nal. lib. 5.
^g Bodin. de
rep. lib. 5.
cap. 11.

^h Cornel.
Tacit. 1. 6.

ⁱ Cato de re
rust. cap. 1.

wonderfull that learned men of all ages should inueigh so bitterly against vsurie. It seemeth it is of a strange deuouring nature, as the ^a Poet termeth it, and brings men to great extremities, when poore ^b Sirepsiaides could deuise no better shift then *the hiring of a witch to pull the Moone out of heauen*, that the Vsurers moneth might neuer come about. For, ^c Vsurie (saith the old prouerbe) is swifter then *Heracitus*, time seemeth to runne so fast.

§. 2.

If vsurie then can finde no footing, neither in Diuinitie nor nature; whereupon shall it stand? Diuines would excommunicate it out of the Church. Philosophers would proue it a monster in nature. Yet for all that it hath taken deepe root in Common-wealths, both Heathen and Christian. ^d *Mirarer in urbibus politicis huic flagitio locum esse, nisi esset & reliquis, &c.* I would wonder (saith *Petrarch*) there should be any place in politike bodies for this grieuous sin, but that there is place for the rest. *Whereas* (saith he) *in former times Vsurers were separated from the companie of men; none came neere them, but such as necessitie droue vnto them; passengers would auoid them as contagious persons; now they conuerse with Princes, and attaine to places of dignitie.* How pernicious Vsurers be to a Common-weale, we haue heard from the penne of the best friend that Vsurers haue. For Master *Calain* saith ^e *He is by no meanes to bee tolerated in a well governed Common-weale.* Diuines professe little skill in State matters: but such as doe professe, haue written that ^f *Vsurie is an old venomous sore.* And ^g other of later times inueighing against it, as the *Canker*, or *gangrene* of the *Common-wealth*, haue condemned the *Heluetians* for tolerating fiue in the hundred. *Tutus est usurarum non modo radices, sed & fibras omnes amputare.* It is like *twichgrasse*, if the least thred of a roote be left, it groweth and spreadeth without measure. The ancient ^h Romans were wise, who seeing the mischief of vsurie, would tolerate by their twelue tables but one in the hundred; and whosoever exceeded that, should be punished ⁱ *four fold*, as if he were a double theef:

for

for theft by that law was punished but two fold. After this it * was stinted at tenne shillings in the hundred pounds. I hope this could not bite much. Yet after by *L. Genuius* it was quite taken away: and breaking out againe, it was againe suppressed by *Tiberius Cesar*, to his owne great cost, who relieued the borrowers with a banke of five hundred thousand pounds, of purpose to roote out Vsurers. Againe it sprouted vp, and againe was it straitly forbidden vpon the paine of the forfeiture of all goods, moueable and im-moueable, to be confiscate. What should I say more out of the experience that States haue had of this mischief? *k Ludonius* banished Vsurers in his time out of *France*. Yea and *1 Mahomet* himselfe hath condemned it among the Turks. So carefull haue gouernours euer been amongst Heathen and Barbarians to suppress this monster. For what Countrie hath vsurie been suffered in, which in time hath not rued the same? *m* The *Indians* and *Germanes* both were counted most happy before vsury was knowne vnto them. But what tumults it after raised in *Germanie*, witnesse their owne *n* writers. *Sicilie* was in great bondage by vsurie, till *Cato* set it at libertie. *Sparta* in no lesse calamity, till *Lycurgus* redeemed it. *Asia* ouerwhelmed with it, till *Lucullus* redressed it. All *Egypt* so plagued with it, that they were glad to make a law, that none should borrow unlesse he laid his fathers corps to pawne. *Athens* infected with it, till *Agis* his bonfire (made of Vsurers bookes) had purged that Citie.

Those wise gouernours of estate when they had to deale with vsurie, methinkes they had a wolfe by the care, which they could neither hold fast, nor let goe with safetie: the more they laboured to suppress or stint Vsurers, the more they brake out vpon them againe; set them once at libertie, they deuoured the Common-weale. If England were as well cleered of these, as it is of wolues, it were so much the happier.

* *Bodin. l. 5*
cap. 11.

k Centur. 15
cap. 7.

Cent. 7.
cap. 7.

m Ælian.
lib. 4. cap. 1

n Aretij
Problem.
de vsura.

CHAP. IX.

Of the three lawes, Canon, Ciuill, Common.



Hat which the sage gouernours of State out of their wisdom and experience haue distasted as hurtfull to the societies of men, both Christian and Heathenish; hath been also forbidden and restrained by such lawes as be not onely compulsiue to binde succeeding ages, but directiue also to informe vs of the enormitie of this practise.

^a Decret.

part. 2.

Causa. 14. q.

3. c. 4.

^b Ibid. q. 4.

c. 2.

Caus. 4. 6. 7.

^c Institut.

iuris canon.

^d L. 4. Tit. 7.

de usur.

Siluest. de

usura 9.

^e Bar super.

l. cunctos

populos

summa tri-

nitatis. ini-

tio.

^f Codic. Iu-

stinian.

^g Epist. de

usura.

^h Domini-

cus à Solo

de iustit. &

iure. l. 1. q.

6. art. 2.

1. The ^a Canon Lawe hath defined vsurie to the same purpose, as is before expressed. ^b It hath forbidden it most precisely: it hath punished it most seuerely, with the note of infamie, with excommunication both lesser and greater, with the depriuation of christian buriall, till actuall restitution were made by the executors. ^d Their Willes and Testaments were nullities in law; with diuers other penalties to terrifie men from vsurie, as from some horrible vice.

2. For the Ciuill lawe it cannot bee denied but it did sometime tolerate some kinde of vsurie; but neuer allowed of it. For ^f Iustinian in the preface wisheth that men would follow the doctrine of S. Peter; that is, of the Church, which what it was then for this point, is manifest.

To tolerate it in some sort it was forced. *Sape enim permittitur quod non potest corrigi aut coerceri iure civili*: It is often permitted which cannot bee corrected or restrained by the Ciuill lawe, (saith ^g Calvin, a *Dinine* and *Ciilian* both:) therefore we must make no arguments of defence from the toleration of Ciuill law, for so we might defend the Stewes and much wickednesse; ^h *Impune permittuntur meretrices ut adulterijs obuietur, usura ut caueantur furti*. Whether the ciuill toleration of vsurie were lawfull, is no part of our present question; but that the lawfulness of vsurie cannot be proued from any toleration of lawe it is euident:

dent: because as S. *Augustine* saith: *Lex humana multa concedit, ac impunita relinquit, quæ per diuinam providentiam vindicantur*: Many things must bee passed ouer by mans law, punishable by Gods hand. The law of the Lord is perfect in this, that it forbids all faults, but mans lawe must be proportionable to mans frailtie, and giue way to many corruptions; in some ages more, in some lesse. If Ciuill lawes be ouer precise without respect to the common inclinations of the people, they be as *new wine put into old vessels, the vessels burst, the wine is lost*; such lawes shall neuer bee kept.

Notwithstanding this, wee may say (by the way) for that moderation which the Ciuill law vsed in her toleration, that as the most ancient and innocent law did tolerate the least, *one in the hundred, halfe a one in the hundred*, and sometimes none at all: So that *fœnus nauticum*, the most that euer was allowed, to wit, *twelue in the hundred*, was no vsurie at all, because the lender did beare the perill of the principall.

3. The Common law of this land intermedleth no further with vsurie then is provided for, and so ordained by some speciall statute; but referred it wholly to the censure of the Ecclesiasticall court, wherein a prohibition had no place: *i Si prælatus imponant pœnitentiam pro peccato, & nihil aliud intentant, quod cedat in lesionem Regie dignitatis.*

But if the Vsurer did in this sin, so that the power of the Church could extend no further, because he died out of the Church: yet then euen the Common law tooke vengeance vpon him in his goods and posteritie. *k Omnes res mobiles & omnia catalla quæ fuerunt usurarij mortui, ad vsus domini regis capientur, penes quemcunq; inueniantur res illæ. Heres quoque ipsius hac eadem de causa exheredatur secundum ius regni, & ad dominum vel dominos reuertetur hereditas*: His goods were all forfeited to the King, and his lands returned to the Lords of the fee. Which was not meant of any immoderate vsurie aboue tenne in the hundred. For the same author explaineth himselfe: *Si quis aliquid tale crediderit, si plus*

Lib. 2. de
Liber. arbi-
terio.

i Regist.
consultat.
fol. 49.

k Randul-
phus de
Glanduilla
Hen. 2 lib.
7. ca. 16.

plus eo recepit usuram facit; & si in tali crimine obierit; damnabitur tanquam usurarius per legem terra: If any shall lend any such thing, and shall receive againe more then that hee lent, he committeth vsurie: and if hee die in that crime, hee shall bee condemned as an Vsurer by the law of the land.

¹ This agreeth word for word with the ancient law of Scotland, set downe in a booke called *Regiam Maiestatem*.

So detestable was an Vsurer in the eye of Common law, before any thing was provided by statute. Which law, if it be so ancient, as we are taught by the^m reuerend Iudges of the same; if so well grounded vpon the principles of reason and equitie together, with the best customes of this Countrey; then the ancient inhabitants of this land, led onely by the light of the gloworme, shal condemne vs for this point, who reside in the sunneshine of the Gospell.

ⁿ After, of ancient, it was enacted by the statute of *Indisisme*, forbidding all vsurie, that if a Jew lent in that kind to a Christian, he should haue no remedie for his principall debt: yet the Christian might recover his pawne.

^o In the 3. of Henry 7. all cloaked vsurie was also forbidden, vnder the termes of *Damnabable bargaines grounded in vsurie, coloured by the name of new cheuisans, contrarie to the law of naturall iustice, to the common hurt of this land, and to the great dishonour of Almighty God*. Which statute is more fully explained by ^q another made in anno 11. Hen. 7. that the said law did extend first to al lending for a time, and taking for the loane any thing more, besides or aboue the money lent, by way of contract or couenant made at the time of the same loane: sauing lawfull penalties for the payment of the principall. 2. To the selling of goods to any person in necessitie, and buying the same againe within three moneths for a lesse summe then they were sold for. 3. To the lending of money vpon lands or bonds for the payment thereof, with couenant to receive the reuenues of the borrowers land, vnder paine of the forfeiture of the money, goods or merchandise so lent, or sold.

After which, in 37. of Henry 8. all former statutes concerning

¹ As appeareth by the starre in *Glanduill*, according to the Printer his direction.

1604.

^m Sir Edw. Coke.

ⁿ Edw. 1.

^o Ca. 6.

^p Ca. 5.

^q Ca. 8.

cerning vsurie being repealed, the three points last before mentioned remained in force, in case the vsurie did exceed tenne in the hundred; thereby not allowing any vsurie vnder tenne, but leaving it only vnpunished.

This law seeming ouer loose, was repealed in 5. and 6. of Edward 6. wherein it was enacted, *that all vsurie, increase, lacre, gaine, interest for loane, forbearing, or giuing dayes of any summe of money, had, receiued, or hoped for, aboue the summe lent, giuen, set ouer, deliuered, or forborne, should be punished not only with the forfeiture of the principall and all, but with imprisonment and ransome at the Kings will and pleasure.* Ca. 20.

This law on the other side seeming too strict for an humane law, was repealed in 13. Elizabeth, and the former statute of Henrie 8. reuined, but with additions of the restraint of vsurie. First, *that all bonds, contracts and assurances for any intending or doing any thing against the tenour of the said statute thus reuined, should be utterly void.* Secondly, *that all brokers, solicitors and driuers of such bargaines or contracts, shall incurre the danger of a premunire.* Thirdly, *that the same statute reuined, shall be most largely and severely vrged for the suppressing of vsurie against the persons offending.* Fourthly, *that the Ecclesiasticall censure shall also proceed against such offenders aboue tenne in the hundred.* Fifthly, *Because all vsurie is forbidden by Gods law as a detestable sinne, that euery Vsurer, though he doe not exceed tenne in the hundred, shall forfeit so much as shall be reserued by way of vsury aboue the principall, for any money so to be lent or forborne.* 1
2
3
5

This last is the statute which England now standeth subiect vnto, and which wee are bound to obey by the rule of the supposed patron of vsurie: *Ne excedatur modus constitutus in quavis regione.* But the law of our Countrie doth not tolerate any at al, and therefore by his rule it is not lawfull for vs to take any vsurie at all.

Thus much for that inartificial argument which is taken from the testimonie of authoritie. An argument, I confesse, very inartificiall, as I haue made it: yet is the authoritie so sufficient as I would desire, Authoritie of all sorts diuine

M

and

Caluin. E-
pist. de usu-
ra.

and humane; Ecclesiasticall and prophane; naturall and morall; of all ages, old, new, midling; of all Churches, primitive, superstitious, reformed; of all Common-weales, Jewish, Christian, Heathenish; of all lawes, forraine, and domesticall.

It remaineth now that we take a view and examination of this point with our own eyes. And though I be very hartlesse and timorous of my selfe; yet being thus well backed, me thinkes I am much emboldened to encounter with him, who is most forward to confront these authorities.

First therefore I will put in order such reasons as I have learned for the discouerie of this sinne, by which it shall the better appeare what substance and validitie there is in those colours and apparitions which are brought in defence of it: So that in conclusion men may the more easilie resolute their owne consciences for this point, and accordingly amend their liues as God shall moue their hearts.

CHAP. X.

The first argument from the nature of the question.



If there be any (as God knoweth there are too many) who cannot resolute their consciences against vsurie, as against a thing vnlawfull: yet I hope there is none of so vnyeelding a forehead, but will giue thus much to the authoritie aforesaid; as to thinke the lawfulness of vsurie very questionable and doubtfull at the least. If any shall be so singularly conceited of himselfe, as to make no question after all these, but that vsurie is lawful; I will leaue him in the number of those wise men (whereof ^a Salomon speaketh) who are wiser then seuen men that can giue a reason. Then men? yea then Churches and Common-weales.

^a Prou. 26.
16.

And

And to the rest who doe make doubt and question of it, I say it is vnlawfull, because it is doubtfull: for the heathen mans principle, *b Quod dubitas ne feceris*, is likewise deliuered for a rule by the *c* Apostle, that *Whatsoever is not of faith is sinne*. There be three opinions then concerning vsurie: some are resolved that it is vnlawfull; and to them the practise of it is a sinne, a knowne sinne, a sin against their own consciences directly. Secondly, some are not resolved at all, but hang in suspence, and to them it is a sinne, if it were in no other respect, yet onely because they doubt of it: for that which *d* S. Paul speaketh of eating, is likewise applicable to all other actions: *He that doubteth is condemned if he eate, because he eateth not of faith*. So he that doubteth of any morall action whatsoever, if hee doe it, is condemned, because hee doth it not of faith: for *whatsoever is not of faith is sinne*. If thou doubt therefore, keepe *e* S. Augustine his rule: *Tene certum, dimitte incertum*: thou art most sure it is no sinne to abstaine from vsurie: then keepe that resolution firme, and thou shalt be safe: though perhaps thou thinke, if thou abstaine thou shalt haue the lighter purse, yet withall thou shalt haue the lighter heart, when the sorrowes of death shall make thee heauie. Though in mysteries of Diuinity, the narrowest sense is the safest: yet in matters of moralitie the largest sense is the best for securitie; in that it keepeth vs farthest off from consenting vnto sinne.

3. If there be a third sort who be cleerely resolved that vsurie may bee practised with a safe conscience, such are condemned of other sinnes besides vsurie; but especially of pride and singularitie. Of such a one therefore I demand: First, dost thou see with thine owne eyes, or with other mens? If thou be not able thy selfe to examine and resolve, then maiest thou resolve for this point as the Church of Christ hath taught thee. Neither doe I herein coast vpon any controuersie of *believing as the Church beleeneth*: for this that we haue in hand is no principle of faith; no myserie of saluation to be apprehended in the simplicitie of beliefe;

b Cicero.
offic.

c Rom. 14.
23.

d Rom. 14.
23.

e In Rom.
14.

but a point of moralitie belonging to the second table, and so determinable in reason by the rules of equitie and charitie, if the Scripture herein had been silent. If thou be therefore vnlearned, or not so learned as to define such a matter by the rules of reason; then reason and religion both will teach thee to submit thy iudgement to that Church and Common-wealth, whereof by Gods prouidence thou art made a member. But these resolute spirits will be easily intreated to take the matter into their owne hands without dependance vpon others. I demand then in the next place, hast thou studied the point, examined the branches of it exactly? art thou resolved that though the letter of the text be against thee, yet the sense is with thee? hast thou taken a view of all arguments and reasons brought against Vsurie? art thou so Eagle-sighted as to looke through such a cloud of witnesses; and art thou able to dispell them, and to settle thine owne assertion vpon infallible grounds? art thou sure of all this, or dost thou but thinke so? If thou but thinke so; then thinke thou maiest be deceiued. If thou bee sure that thou hast waighed all those things in the balance of iudgement; then next waigh thy selfe and thy iudgement: lay that vpon one scoale by it selfe, and if thou hast any consorts and fellowes in this thy resolution (as for mine owne part I know none) if thou hast any, hang them all vpon the same scoale with thee. Put ouer against thee in the other scoale al the authorities of men, fathers and brethren; who haue not touched onely, but taken in hand and sifted this point. Adde vnto these the decrees of Councils, the edicts of Princes, the lawes and statutes of Commonweales: lay on, if you list, the censure of Philosophers in their morals and politicks, the obseruations of Historiographers, the sayes of wise and sage Senators; and the wo- full experiments of many kingdomes and nations in former ages. All which if they should be collected and expressed to the full, I suppose a volume would not containe that which might iustly be written against Vsurie. Now if thou shalt thinke thy iudgement to bee of such waight, that all these

these together bee notable to cast the scale against thee, yet I hope they will so much moue thee, as to bring the balance to a suspence, that thou wilt thinke Vsurie very questionable at the least; and if it bee questionable, then is it vnlawfull to bee done. But if all these will not so moue thy vnderstanding as to make it questionable; then I will say no more, and I can say no lesse, but such a one thinketh that he knoweth somewhat. And then ^a Saint Paul maketh vp the rest, that such a one knoweth nothing yet as hee ought to know it.

^a 1. Cor.
8.2.

To him therefore who knoweth Vsurie to be a sin, it is a sin, because he knoweth it. To him that doubteth, it is likewise a sin, because he doubteth. And to the rest it is a sin of ignorance, but of affected ignorance: whose eyes are blinded either with pride, because they would be singular; or with lucre and gaine, because they would not disturbe their consciences by examining or discovering that sin, wherein they haue so sweetly slept, and do stil repose themselves. But such ignorance doth neither excuse nor extenuate the fault, but rather aggrauate the same, because it is wilfull.

CHAP. XI.

The second argument from scandall.



Howsoeuer there be some who make a question whether Vsurie bee lawfull or not: and some there may be, who make little questiō but that it is in some sort lawfull: yet there is none but must confesse that it is and ever hath beene of ill report, and therefore vnlawfull; vnlawful for any Christian to practise. It was Saint ^b Paul his last farewell in his Epistle to the Philippians; after hee had blessed them, with *the peace of God which passeth all vnderstanding shall keepe your hearts and minds in Christ Iesus*: hee addeth, *Moreover brethren, whatsoeuer things are true, whatsoeuer things are honest, whatsoeuer things are iust, whatsoeuer*

^b Chap. 4.7.

things are pure, whatsoeuer things pertaine to charitie, whatsoeuer things are of good report, if there be any vertue, if there be any praise, thinke on these things.

1. Thes. 5.
22.

I must proue, before I haue done, that Vsurie is neither honest, nor iust, nor pure, nor charitable, nor any of these: but it sufficeth for this present argument that it is not of good report, and therefore to be auoided of Christiāns. For the Gospell of Christ doth not onely forbid things simply vnlawfull, but all colour of euill: and as the Apostle concludeth his patheticall exhortations to the Philippians, with things of good report, so doth he shut vp that bundle of diuine precepts to the Thessalonians, with *abstaine from all appearance of euill*, and then commeth the blessing: *Now the very God of peace sanctifie you throughout.*

2. Sam.
12. 13.

I hope I shall not need to spend time in shewing what appearance of euill there is in that, wherein there is so little shew of good: What is of ill report, but that which the best speake ill of? and what one transgression is there committed either in Church or Common-weale, which the best writers, Christian & profane, haue inueighed more bitterly against then this of vsurie? Admit then it were not simplie euill, yet it hath great appearance of euill: it is of ill report, by that meanes very scandalous, and therefore vnlawfull. That is a true scandall indeed, not taken only, but given also, which is a *prouocation vnto sinne*: as *Dauids* murder and adulterie was not onely a sinne against God (and in that respect vpon his true repentance pardoned in *Nathans* absolution) but also a scandall, because hee *prouoked the enemies of God to blaspheme*. So that beside the finnes of *Dauid* as they were transgressions of the 6. and 7. Commandments, that scandall also annexed vnto them being nothing else, but a *prouocation of the enemy to blaspheme*, was a sinne of it selfe and punished by God. *The Lord also hath put away thy sinne, howbeit because by this deed thou hast caused the enemies of the Lord to blaspheme, the child that is borne vnto thee shall surely die.* That is the great scandall indeed which the holy Ghost doth so often inculcate, that wee might

might take heed of it, ^b *That the name of God and Gospell of Christ be not euill spoken of among Gentiles.* Doth not Vsurie cause the enemies of God to blaspheme, and the Gospell of Christ to be euill spoken of; when as prophane persons and such as liue like Gentiles amongst vs shall obserue, that Christians who can call *Christ, Lord*; that zealous Christians, who can say vnto him, *Lord, Lord*, doe liue in and by that sinne which was wont to make both life and death so odious? Are not our aduersaries of the Church of Rome as ready to object vsurie to vs, as wee haue beene to vpbraide them with single fornication? when they see it not onely practised but patronized amongst vs? And yet they may hold their peace for that; seeing their owne Colledges and Churches long since in the ^c borders of the *Borbons*, and other places of France, haue taken fine in the hundred: which was by them commonly held lawfull, not by common right, but in speciall fauour to religion. For their Clergie is so holy, that the practise of that is in Churchmen hallowed and sanctified, which in the people is most detestable. Let them goe: but let vs not cause them to blaspheme by such scandalous practises.

^d The Heathen Philosopher observing the intemperance of the Iewes in their feastings, made a table question, *Who was the God of the Iewes?* they resolved vpon *Bacchus*. If his pen should haue light vpon Christian vsurers in these daies to enquire of our God, I am afraid they would resolve vpon *Plutus* at the least, who was wont to come limping home: but Vsurie hath cured him very strangely of that infirmitie, he comes now as swiftly as time it selfe.

What is scandalous then if this bee not? prouoking all sorts of people, superstitious and prophane, to speake euill of Christians, of reformed Christians, who professe the sincerity of the Gospell of Christ.

The Prophet *Ieremie* lamenting his wofull case that hee was cursed of the people without cause, bringeth this for his apologic, that he neuer lent nor borrowed vpon Vsurie, as our books haue it. ^e *I haue neither lent on vsurie, nor men*

haue

^b Rom. 2.

24.

Cap. 14. 16

1. Tim. 6. 4.

Tit. 2. 5.

2. Pet. 2. 2.

^c *Molinæus*
cont. Vsu-
rar. q. 74.
num. 584

^d *Plutarch*
sympos.
lib. 4. q. 5.

^e Ier. 15.
10.

haue lent to me on Vsurie; and yet the people curse me, Insinuating, that if he had been any wayes touched either in lending or borrowing, as accessarie to this sinne; he would not haue complained though the people had cursed him. Cursed is that offence which bringeth the curse of the people vpon a man. Neither *Jeremie* nor any of the Saints of God we can reade of, that ever was tainted with Vsurie. Admit then that the wit of man could picke a case so cleane in Vsurie, as to make it lawfull. What then? it is scandalous, it is of ill report: he therefore who shall offend his brethren the people of God, who shal cause the enemy to blaspheme and giue prophane dogges occasion to barke at Christians, by any such vnchristian practise, it were better for him that a millstone were hanged about his necke, and he cast into the bottome of the sea.

CHAP. XII.

The third argument from our statute law.



Et vs looke home into our owne Countrey and here we shall finde a law expressely forbidding all kind of Vsurie bee it neuer so little, and withall punishing the same, if a man bee lawfully conuicted. I demand then in the next place, if we bee not bound in conscience to obey this law? I say not in court of Iustice only before man, but in conscience before God.

^b Rom. 13.

5.

^c Act. 5. 29

The ^b Apostle maketh a direct answer for me; *Wherefore we must be subiect, not because of wrath onely, but for conscience sake.* A conscience so bound, as nothing can set it at liberty in this case except only the law it selfe be vnlawfull and then ^c *we must obey God rather then men.* Therefore when this kind of argument is vrged for obedience, men haue vsed to quarrell with the law; as if that were not agreeable to Gods law: But heere is no place for any such cauill; for it is the same law which God himselfe made for his owne people,

people, witnesse euen those who haue most defended vsurie.

I haue heard many, and some of no meane vnderstanding, who doe earnestly endeavour to let loose their consciences, and teach vs so to doe, by making a disunctiue interpretation of a penall statute. As if the meaning of the law were but this; *Either abstaine, or pay thus much, if thou be convicted.* Making the penaltie a branch of the law: as if either of the branches being obserued, the law were fullie kept, and no offence made either to God or man. Which because it is a point much stood vpon, and as yet (for ought that I know) vnhandled, giue me leaue, by your patience, a little to looke into it. In the examining whereof I shall not much step out of my way. For albeit the interpretation of a statute doth belong vnto another profession; yet this particular point coasteth vpon Diuinitie, and pitcheth directly vpon the common grounds of reason.

In euery penall statute there be two things to be considered; the *law* and the *penaltie*. Which two, howsoeuer they be combined in the statute, yet there must be a distinct consideration of each.

1. First, euery good and iust law in his owne nature, as it is a law, hath a binding power; by which it is not directiue only, as by way of aduertisement, but compulsiue, as proceeding from authoritie.

2. Secondly, this binding power of the law doth not onely proceed from the nature of the thing therein commanded or forbidden, but from the powerfull will of the Commander or law giuer. For if a common person shal admonish me, as a brother, of some thing which is hurtfull or preiudiciall, I am bound to follow his aduice, from the nature of the thing it selfe, because it is hurtfull; else I should offend. But if the authoritie of parents, Magistrates, or law, shall moreouer forbid the same, I haue a second bond thereby laid vpon me; which if I shall breake, then vnto my former offence I shall adde the sinne of disobedience. Which as it is a distinct sinne from the former, so be these

two distinct obligations; the one deriued from the nature of the thing prohibited; the other from the law or persons in authoritie.

3. Admit then in the third place that the thing prohibited by the premised authoritie, haue no binding power in it own nature, without a law published against it; but be a thing arbitrarie, and in my power to doe or leaue vndone; then am I freed indeed from the former bond in respect of the thing it selfe: notwithstanding I stand obliged to the authoritie of the law for the faithfull obseruing of the same; except only in case the thing thereby forbidden be of such a nature, as doth dissolve this bond, by some opposition to a superiour law. For those matters therefore which bee not determined by any law of God, there is giuen to the wise sages and gouernours of Common-weales, a iudiciall power, not onely to discerne what is for the common good, but also to enact, impose and establish lawes and statutes, vnto which we are bound both to subscribe in iudgement, and in practise to obey. Albeit such a law cannot by evident consequence bee necessarily deriued from any law of God or reason, yet if it doe not crosse or oppose the same, it is sufficient. As lawes which are apparantly friuolous, containing matter of little moment, need not much to trouble our consciences, because there appeareth some opposition betweene them and the law of reason, which teacheth vs that a law is a matter of maiestie, and serious command; and therefore the subiect of it ought to be answerably a matter of waight and moment, as the matter of vsurie is. Be it therefore proposed that those wholesome lawes and statutes which carrie no shew of opposition to a superiour law, though they command or forbid such things as before were held indifferent, yet even as they are lawes doe they binde the conscience by vertue of Gods law.

4 Which lawes thus enacted, by humane authoritie, bee in force, not onely before the Iudge to the vndergoing of temporall punishment; but also to binde the conscience before God: not by any power in themselues, for they be
but

but humane; but, as secondarie causes doe worke in the vertue of the first cause, so doe these lawes worke vpon the conscience, by vertue of his law who alone hath the soueraigne authoritie ouer the inward man. He hath commanded vs to obey, *not because of wrath only*; not for penalties, displeasure, or outward respect only, *but for conscience sake*. Thus much, I hope, we shall be able to proue. Whereupon it must of necessitie follow, that admit every act of vsurie were not simply in it selfe vnlawfull; yet if it be simply forbidden by a law published, as a thing perilous among Christians, or preiudiciall to the common good; then are wee bound in conscience to auoid euery vsurious act as *malum prohibitum*, forbidden by a good and wholesome law. Which law if we shal transgresse, we do sinne against God.

Rom. 13. 5.

Let this therefore in the first place be propounded, that such humane lawes as be not opposite vnto the law of God or nature, haue a binding power: howbeit not alwaies from the nature of the thing it selfe thereby commanded, or forbidden; but euen as they be lawes proceeding from that authoritie which is the ordinance of God.

Which that it may the better appeare, it is obseruable, that almightie God did first assume vnto himselfe that libertie and power of binding mens consciences meere by his commanding authoritie, as hee was a law-giuer. Next that hee did impart the same (though not in the same degree) to his vicegerents vpon earth.

It was his diuine pleasure to manifest this power euen in the first law that euer was giuen: for what hurt could there haue been in eating of the forbidden fruit, if it had not bin forbidden? why might not that tree haue beene touched and tasted as well as the rest, if there had not been an edict against it? *Abraham* likewise after the fall was commanded to offer his sonne *Isaac*: which commandement, if it had not bin giuen, *Abraham* could neuer haue found any motiue for such a sacrifice: but much might he haue found against it, in that law of nature which was written in his heart.

Gen. 2.

17.

Gen. 22.

2.

c Mat. 8.9.

This degree of power God as the supreme lawgiuer hath reserued wholly vnto himselfe, so as it shall not bee lawfull for any created power whatsoever, to enact a law against the law of nature; or to dispense with a diuine statute. Yet notwithstanding in case it carrie no opposition to a superiour law, God hath giuen a binding power euen to the comandement of man, though not against, yet without any obligatorie vertue in the thing commanded: he adiudging in his diuine wisdom that this was the best for the establishing of authoritie amongst men, for the keeping of men in obedience, and every way for the publique good. For if men should not obey the lawes and commands of their superiours, before such time as they saw something in the thing commanded, which should exact the same at their hands, verely the Centurion did not well in approuing his souldiers for *comming, going, and doing this* at a word: yea masters had better a great deale goe about their businesse themselves, then send many seruants: and if this were our case, all gouernment and humane affaires would be soone at a stand.

a Luk. 9. 30

Wherefore God doth not onely allow those lawes which doe enact that which is already enacted by his law; or which may bee thence deriued by necessarie consequence, as a conclusion out of the premisses: but all those determinations and particular constitutions which doe not crosse the law of God or nature, are in his estimate accounted iust and to bee obeyed. For as Christ in the Gospell said of those who did cast out diuels in his name, *He that is not against vs is with vs*; so may God rightly be conceiued to esteeme of all humane lawes, made for the reformation of manners; *those which are not against him are with him*: and therefore by his law confirmed and made of force to binde the conscience.

b Iere. 35.

This appeareth by the example of the Rechabites, in their obedience to their father Ionadab, the sonne of Rehab; whom they obeyed, not because the things forbidden were in themselves vnlawfull (for houses, vineyards, and

and fields are the good blessings of God;) neither was it for feare of displeasure, for *Jonadab* was dead three hundred yeeres before; but only they thought themselves bound in conscience to obey their fathers commandment. Which opinion of theirs was iustified and approved of God to be true and sound, in that he did not only commend, but reward their obedience. *¶ Thus saith the Lord of hosts the God of Israel, because ye have obeyed the commandment of Jonadab your father, and kept all his precepts, and done according to all that he hath commanded you, Jonadab the sonne of Rechab shall not want a man to stand before me for ever.*

c 2. King.
10. 13

d 1er. 35. 18

If a father then have such command ouer his sonnes, for so many generations as were betwene the daies of *Israh* and the raigne of *Iehoiakim*; how much more shall the lawes and statutes enacted by the gouernours of Commonweales, and the bodie representatiue assembled for the publike good, binde euery subject to the obedience of the same?

But wee shall not neede to goe farre for an instance of this point. Our law at home is a pregnant prooffe, that a law doth binde euen as it is a law, though the thing thereby imposed be of it selfe most free and indifferent. I speake of that *Common* or *municipall* law of our Countrey, whose *maxims* are not meerey grounded vpon the axioms and principles of reason and common equitie, but vpon the peculiar customes of this Countrey. I demaund then whence this law hath a binding power? Is it from the nature of the thing imposed? doth it command or forbid nothing but that which out of the principles of nature and reason may by demonstration be proued to be good or bad in it selfe? Verely then were it of as great power beyond Douer, as it is on this side; for the law of nature and reason is euery where alike.

But it is the custome of place and people which addeth power: for euen a custome doth binde taking vpon it the nature of a law. *Ligei consuetudo quatenus interpretatur lex est.* Be it custome then, or be it a perfect law, it must haue a

greater power of binding, even as it is a custom or a law, the can alwaies be raised out of the nature of the thing accustomed or imposed: For circumstances may so alter the matter, as that which is imposed may be sometimes not so convenient, as in common intendment a good law doth presume. Yet hath it been ever thought more convenient, that some particular inconvenience should bee borne, then an ancient custome or law should bee broken. And if the binding power of a law should worke no further then the thing it selfe, of it selfe, doth moue the conscience without a law; then were it no power at all; but every mans private conscience should haue power to abrogate and disannull, as fast as authority doth inact. A private power then must not abrogate that which is publicke; *Nihil agit ultra suam speciem*: but every private man doth stand bound to a humane law, vntill the same authoritie which bound him doe absolue him. All things therefore considered, it is a dangerous conceit to imagine, that the power of humane lawes doth extend no further then the qualitie of the thing it selfe doth carie the conscience: and so dangerous, as if it should take place, it would violate that authority which is the ordinance of God; and shake the very pillars of the earth.

2. Then for the penaltie (which maketh it a penall law) I demand what power that hath to alter the premisses? Is the vndergoing of such a penaltie an expiation of the sinne committed in transgressing the law? God forbid. The least sin deserueth a greater punishment then man can inflict. Or hath it a power to dissolve that bond which by vertue of Gods law lieth vpon my conscience? Or is it so incorporate into the law, that it leaueth a free choice vnto men, indifferently either to obserue such an act, or to vndergoe such a penaltie? Verily this is auerred; but the contrarie seemeth vnto me very pregnant, vpon these reasons following.

1. First (to make some way to that which followeth) it is

is much to the preiudice and weakning of good lawes, to giue such interpretations, as doe dispence with the conscience, and set that at libertie. For if men be taught to make no conscience of this kind of obedience (as God knowes they make but little) such lawes shall lie as contemptible in the estimate both of good and bad; as well of the obedient as of lawlesse and vnruy people; every man keeping or breaking the same, as shall seeme best for his owne private aduantage. But I would rather thinke and teach, that as God Almighty is not an idle beholder of mens affaires, but hath a powerfull working in every action; either to effect it or dispose it vnto good; so sitting, as *David* speaketh, in the *parliament or assemblie of gods*, hee giueth an influence into every good law enacted, and by his owne law bindeth the conscience to the obedience of the same.

2 The end of a law is to withhold men from vnlawfull acts, such as bee thought vnfit to bee done or suffered in a well established gouernment. For if men would of themselves reſtraine, there should be no vse of lawes, as the *1. Apostle* saith; *The law is not given to the iust man, but to the lawlesse and disobedient.* They be snaffles and bridles to curbe those *b* horses and mules which wil not otherwise be ruled. And consequently the end of a penall law is by such a penalty to withhold the disobedient, that such people might feelee the smart of punishment who haue no sense of conscience. First therefore, if men would bee good of themselves, there should need no lawes. Next, if men would make a conscience to obey that law which is made, there should need no penaltie to be annexed. As the law therefore is ordained for good manners; so the penaltie is a thing subordinate to the law. Now it is premised, that euery good law without the penaltie by vertue of Gods law doth bind the conscience: shall the penaltie then bee added to disannull that bond? shall law and penaltie bee so incorporate and tempered together, that the one shall disable the other? this is no good morter. Wee did rather thinke that penalties were annexed to corroborate and strengthen the law,

a 1. Tim.
1.9.

b Psal. 32.9.

that by punishing transgressors according to the proportion and degree of the offence, men might bee the more afraid to offend.

3 But (to speake in their language who doe vrge this interpretation) if a penall law be disiunctiue to be vnderstood: that is, either to be obeyed, or else to vndergoe such a forfeiture; I demand whether of these two is principally intended by the law? Doth the statute first intend the penaltie, or doth it lie indifferent vnto both alike? If either of these, then is it an vniust law. For a good lawgiuer had rather haue his law kept then broken: the reason is, because the obseruation or keeping of it is simply good: but the punishment of a transgressor hath in it the nature of euill, termed *malum pœnæ*; therefore a good intention is first moued vnto that which is good; *that the law may bee kept.* And in the second place, a punishment is intended, as it is a remedie against a greater euill then it selfe. I stand bound then even in conscience vnto a good law, according to the simple intent of it: that is to say, not because of the penalty only, or, to speake in the phrase of the holy Ghost *not because of wrath onely*, (which is all one:) but chiefly that I may performe that good thing which the law doth chiefly intend; which if I shall transgresse, the penaltie is indeed a satisfaction to that law, but no expiation of my sinne of disobedience.

13. Elizab.

Rom. 13.

4 Last of al, that we may cleere this statute of al such imputation, (a statute which hitherto hath had no blemish cast vpon it, being without the compasse and reach of their ordinarie exceptions, *the opposition to Gods law, the abridgement of Christian libertie, scandal, and such like stones which they vse to sling at lawes*;) If the Statute had any such purpose to make a disiunctiue law, how shall that appeare? For if it be not expressed, then is it by common intendment to be vnderstood according to the premised rules: and to put it out of quarrell, that the contrary is intended, shall appeare by three points within the statute.

1 First, there is a speciall clause in this statute of Vsurie that

that it shall be most largelie and strongly construed for the repressing of Vsurie against all persons who shall offend. But this construction doth contrariwise giue a libertie to commit Vsurie: so a man will venture the forfeiture in case he bee conuicted: Like the Pharisees Corban, who if the offerings be brought, will dispence with obedience and honour due to parents. This is ** to eat the sinnes of the people*, which is not iustificable in any law.

Marke 7.
Hos. 7.11.

2 The nature and extent of the penaltie doth import no lesse. For it doth not only punish excessiue Vsurie aboue ten in the hundred; but all vnder ten, vnder nine, vnder eight, bee it neuer so little; it is punishable by the statute; and therefore simplic forbydden by the intent of the same. For the Vsurie or ouerplus which is taken aboue the principall is not restored to the borrower; for then were it no punishment: because euery partie were in *statu quo prius*, as he was before the covenant: But it is all forfeited by the law to the King, and the informer, in the name of a punishment, *shall be punished in forme following*: which if it be a iust punishment must presuppose a breach of iustice in the parties punished.

3 The third is, the motiue which moued the Parliament to make this act. *Forasmuch as all Vsurie being forbydden by the law of God is sin, and detestable; be it enacted, &c.* It was therefore enacted against Vsurie, because it is a sinne and detestable, forbydden by the law of God: Is there any doubt then but it was the meaning of the statute simply to forbid it? It is true indeed, that the preamble is no essentiall part of the act: yet is it as a key to open the intention and true meaning of the law, nothing better.

But the restlessse wit of man, if it bee once set vpon contradiction, will neuer giue ouer. I haue heard it objected, that whereas it is said in the statute, *Forasmuch as all Vsurie being forbydden by the law of God is sinne and detestable*, those words (*being forbydden by the Law of God*) are inserted, not as a reason of the assertion; but as a part of the subiect of the proposition: *all vsurie being forbydden*: that

is to say; *all Vsurie which is forbidden by the law of God is sin, and detestable.* As if some Vsurie were not forbidden. Wit whither wilt thou? The sequel runneth thus: *For as much as all Vsurie being forbidden by the law of God is sinne and detestable; be it enacted, that all Vsurie, loane, &c. shall be punished in forme following.* Doth not the consequence plainelie shew that the law meant honestly in the antecedent? that for as much as all Vsurie is forbidden by the law of God; be it therefore enacted that all Vsurie shall be punished?

Whether it be a cleare case or questionable, *that all Vsurie is forbidden by Gods law*, is not materiall for this argument; lay that by for another place. This notwithstanding is cleare, that the iudgement of the lawmakers in that Parliament was, that Vsurie is simplie euill in it selfe; and therefore the meaning of that law is simplie to forbid it. For as they conceiued it to bee forbidden by Gods law; so did they also by their iudiciall power and authoritie adiudge and determine it to be not onely scandalous, but perilous and preiudicious to a Christian common-wealth: and therupon enacted a law, and prescribed a punishment against all Vsurie whatsoever. What hindreth then why we should not submit our selues to this act, euen for conscience sake? Admit the lawmakers did erre in thinking euery vsurious act to be forbidden by the law of God: shall euery supposed error disanull such a solemne act? God forbid. A man for the purpose is moued to chuse such a wife, supposing her to be of so great wealth, and of so good qualities: hee is somewhat deceiued in both his motives. What then? Shall his error make his marriage void? nothing lesse: so long as the error is not essentiall to the act it selfe, the act shall thereby receiue no preiudice or hurt at all.

It appeareth then, that these conclusions following doe necessarily arise out of the premisses.

1. First, in this statute of Vsurie there is nothing inacted contrary to the law of God; and therefore in Gods account it is a iust law. 2. If it be a iust law, then doe we stand bound in conscience to obey it according to the simple meaning

meaning of the same. In conscience, I say, not by any inherent vertue in the statute; but by vertue of his command who bids vs obey, *for conscience sake*. 3. It is the simple meaning of this statute, simplie and absolutely to forbid all Vsurie whatsoeuer; and therefore albeit in *Germanie* and *Genewa* their consciences may be free from this obligation of a positieue law, because their lawes against Vsurie be not so precise: yet in England we are cleerely condemned for any increase or ouerplus whatsoeuer: condemned in the court of conscience, by vertue of the law of God, for transgressing of this statute: condemned euen by the rule of master *Caluin* himselfe: *Ne excedatur modus constitutus in quauis regione vel republ.* Although some branch of this argument be questionable, and further to be cleared in the generall conclusion of this treatise: yet is the inference strong; this being a statute for the publike good.

Epist. de
Vsura.

CHAP. XIII.

The fourth argument, that it is unnaturall.



Hat the Heathen writers, who neuer heard text of Scripture against vsurie, at whose light notwithstanding for nature and art, we doe all light our candles, should with consent condemne it, it makes mee thinke that there is somewhat in nature against it; especiallie seeing how that sonne of nature *Aristotle*, whom his mother loued so dearely, that she kept few things from him, hath concluded it to be, *an unnaturall increase*. Few things haue dropped from his pen, but with good congruity of reason: let vs therefore briefly examine what we find.

1 First, it is eident that the primitiue life was most naturall, and therefore the most innocent, when men liued vpon that increase which God gaue by the yeeld of the earth and liuing creatures. For the first trade that euer nature taught, was to till the ground; by which man might be fed: wherein *Adam* his eldest sonne was trained. The

Gen. 4.2.

b Iudg. 17.
10.

c Cato de re
rustica.
Cicero in
Cato.

Ezek. 27.
17.

Prou. 20.
14.

next was the keeping of sheepe, which *Abel* learned, to clothe their nakednesse. And as from these two all other trades and professions, for worldly commoditie, were deriued; so must they be content as from the originall to take some direction. *The first in each kind is a rule.* The innocencie and integritie whereof God approoued in that hee would be worshipped himselfe in the first fruits, and haue his priests maintained by the tithes and oblations of such increase. Stipendarie maintenance was first the intencion of that Idolater *b Micha*: yet such is much better then none at all; *c Meate and drinke, a suite of apparell, tenns shickles of siluer by the yeere*, for a Leuite it is wel. But how wel the Leuits master came by those shickles; is more then the Leuite well knowes. That which came by the sickle and sithe was the best and fittest for God; because most agreeable to nature, which the ancient *c Doctors* of nature haue obserued.

But after that the world was replenished with people of all sorts and qualitie, necessitie brought in the change and transportation of such commodities as the condition of men did require.

Non omnis fert omnia tellus.

And for the more easie and commodious transportation, buying and selling with money, and merchandizing in all kinds was practised of all people: yea of *Juda* and *Israel*, and neuer forbidden. Which gaine, though it be greater and more royall, yet it cannot be denied, but, as it is more remote from primitiue increase, so is it more to be suspected of iniquitie. *Salomon* made a proverbe of it: *It is naught, it is naught, saith the buyer: but when he is gone apart he boasteth. So, it is good, it is good, saith the seller, and when he hath his money he laugheth.*

A Merchant is good, but it is not good to be a very Merchant. Prouerbiall speeches be often true. So it is true, that *there is as much craft under the russet coate, as the Citizens gowne.* God amend vs all. But the craft lieth not in husbandrie, but as husbandmen play the Merchants in buying, selling, and making of bargains. When Christ droue the buyers

ers

ers and sellers out of the Temple, and charged them *for making his fathers house a den of theeuers*; he doth not accuse buying and selling of theft: but taxeth the common abuse and corruption that was amongst them. For, *as he that toucheth pitch shall be defiled*: so such as liue vpon negotiation, shall haue much adoe to keepe their hands cleane. *There be two things (saith the Wise man) which me thinks to bee hard and perilous: A Merchant cannot lightly keepe him from wrong, and a Victualler is not without sinne.*

Mat. 21. 14

Ecclesiast.
13. 1.

3 If these professions bee so suspiciously thought and written of, which be so necessarie and commodious for all estates; which by skill and industrie enrich kingdomes and Common-weales, with such varietie of Gods blessings; which minister to the necessities of all sorts and degrees, by transferring and distributing such commodities as nature her selfe hath brought forth for the vse of men: what shall we deeme of such as meddle not with natures increase, saue onelie in consuming and deuouring it; but liue and enrich themselves by a thing meerlie artificiall; the instrument of transportation, money? which is indeed the price of all, and so in estimate answereth al, and commands all amongst men: yet a thing of it selfe meerely artificiall. The mettall of gold and siluer, I confesse, is the increase of nature: but money carrying the stampe of authoritie, to be the price of things, is meerely artificiall. Vpon this artificiall thing, yet not vpon this, but the vse of this; as it is vsed, not by themselves, but altogether by others, doe these whom wee call Vsurers liue, maintaine themselves & increase their wealth. And now me thinkes I am come to a profession so remote from the first originall, that she hath shaken hands with nature, and is become a meere stranger vnto her. Let vs see if there be any resemblance betweene them.

When they write that money is barren and vnfruitfull, it is to be vnderstood chiefly in two respects.

1. First, whereas seed cast into the ground, doth by mans industrie bring forth more into the world then there was before, *some thirtie, some sixtie, and some an hundred fold*:

Mat. 13. 8.

whereas cattell do increase and multiplie, that the world is the satter for them; whereas the labour and trauell of men doth enrich and replenish the earth, money is onely an instrument to shuffle wealth out of one mans hand into another, and to transport from place to place: but the summe of one hundred pounds, turne it and returne it as often as you can, is still the same summe without increase, the pieces where ever they be, remaine still the same without alteration, there is not one whit more in *rerum natura*. Nothing is brought into the world more then when the money was first disbursed.

2. Secondly, whereas there is nothing in nature, or art, that is worth any thing, but hath some vse in it selfe, if it be well vsed: nothing whatsoener it be, naturall or artificiall, but it serueth either to feed, or to cloath, or to shelter, or to heale, or to refresh, or to adorne, or to worke withall, or to play withall: yet for money, as it is current money, there is no manner of vse to be made of it, but only in parting from it; no more then of a counter; no more then of durt in the streete, nor so much, for that will dung the ground. Adde vnto this, that there is nothing in the world which doth yeeld increase, or hath vse in it selfe, but it is the weaker for giuing increase, and the worse for the vsing; *even milstones will weare*. So that in things which passe betweene man and man for hire, the equitie is apparant, both for the possessor to pay hire, because he may haue vse of it while he doth enioy it; and for the owner also to take hire, because it weareth in the vsing and is worse for the wearing: only money neither bringeth increase to the world in generall, neither is it of any vse to the possessor, but only in dispossessing himselfe of it. Yet this money, for this vse, shal be to the Vsurer fruitfull, and profitable, and neuer the weaker or worse for the vsing: for his hundred pound shal be made good vnto him, as sound and good as euer it was. It shall conceiue, breed, and bring forth vnto him without trauell, cost, or perill, ten young angels once in fixe moneths at the furthest. This increase vnto naturall Philosophers did seeme vnnaturall.

Moreover,

Moreouer, nature hath established in all things vnder the Sunne, a certaine terme and pitch when they shall make stay of increase and multiplying. The land if it want a *Ino-
bile*, will in time grow hartlesse: houses if they be not re-
dified will decay: trees will leaue bearing, and cattell bree-
ding, when they grow old: mans labours and skill will faile
with yeeres: only the Vsurers money doth multiplie infinit-
ly; the longer the luffier: if he can but liue, hee may see his
moneys moneys money, euen a hundred generations. Is not
this *monstrum*? Verily, though it bee no demonstration a-
gainst euery act of begetting money vpon money by mo-
ney; yet it sheweth this kind of increase to be very vnkind,
and to haue but small resemblance vnto that naturall in-
crease, which the God of nature hath established as most
inhocent amongst men.

CHAP. XIII.

The fifth argument, that it is vngodly.

Nature teacheth men to doe that which
is seemely, kind, and naturall; so religion
and pietie teacheth Christian men, in all
their affaires, to depend vpon Gods pro-
vidence, and still to expect a blessing
from heauen. So it ought to be, and so it
is in all professions, except vsurie: *Nallum de Deo hominum
genus peius sentit quam danubiarum: scdum sit an tempe-
stas, perinde illi est.* Of all men the Vsurers thinke worst of
God, and will least trust him: be it faire or foule, all is one;
they will haue their money. The husbandman lookes vp
to the cloudes, and praieth for seasonable weather: The
Merchant obserues the wind, and prayeth God to deliuer
him from tempest and wracke: The tradesmen wisheth the
people may haue money, that he may vent his wares at a
reasonable rate, and liue in some good fashion: The labou-
ring man prayeth for worke and health, that he may get a
poore

poore living with the sweat of his browes: only the Vsurer of all others hath least need to say his prayers: be it wet or drie; be it tempest or calme; blow the wind East, West, North or South; be he well, or be he sicke; bee he goutie and lame, or be he sound of body; let him be what he will, or doe what his list; he will be sure of his money. For time onely worketh for him; all the daies in the Calendar be set a worke to worke out his gaine; yea Sabbaths and all; the red letter is as fit as the blacke for his businesse, to make vp the number of daies, of weekes, of moneths; so the time goeth out and the money commeth in.

Acts 16.

I will not denie it may fall out sometime that the Vsurer may lose a sum of money, as *Paul* and *Silas* were loosed out of prison, when the sailors thought they had laid on bonds enow. So I grant there may come such an earthquake, and sometime doth, that the Vsurers bonds and obligations will be of little effect: but ordinarily, if he be his trades-master, he shall not stand in so great need of Gods blessing as other honest men doe. Can we thinke in conscience that God is pleased with such a life?

1. Tim 6.

17.

Saint *Paul* giueth a charge to *Timothie*, *To charge the rich of this world that they trust not in vncertaine riches, but in the living God, who giueth all things abundantly to enjoy.* God hath therefore made riches vncertaine, because wee should not trust in them, but in him who giueth them. That contract therefore, which for lucre and gaine maketh the vsurers money, both principall and increase, certaine vnto him, which God hath made vncertaine in it selfe; doth crosse his diuine ordinance; and is so farre forth an vngodly contract. Beside, the more certaine he maketh wealth vnto himselfe, the more he doth withdraw himselfe out of Gods blessing into the warme sunne: to sit quietly at home without care, and to be sure of his money: This is vngodly.

But it will be said: if God haue made riches vncertaine, it is not the Vsurer can make them certaine. True, yet vnto himselfe hee maketh them certaine by transferring their vncertaintie vpon others. He takes the bond of a man to secure

cure

cure him against God, both for his gaine and principall; against all casuallie whatsoever, against the act of God himselfe: This is vngodly.

I meddle not with assurances in this place; they bee no part of my question: In them there is a more equall aduventure, where the gainer beareth the perill, and where Gods hand in the losse lighteth vpon both parties. But light it where it will, vpon the Vsurer, by his owne will, it shall neuer light. Yea but will hee, nill hee, hee must trust God, whose prouidence is ouer all. True; but if he do it perforce against his will, it is nothing. Art thou willing according to the rules of piety, to trust God with thine owne goods? then tempt him not, and thou maiest trust him safely. That is to say, arme thy selfe with all conuenient security against the fraud and deceit of men; for the world is naught: be as prouident as thou canst against all casualties that may befall: so God would haue thee; else thou shalt tempt him. Then if thou send out thy goods for thine owne aduantage, send them out as thine owne, desire a blessing vpon them; if they perish by the default of another in whose hands they be, good reason that he should pay for his own fault; but if the hand of God be vpon them, remember they be thy goods, sent out for thy gaine, as well as for the borrowers: they be Gods blessings, it is *the Lord that gave them, and the Lord hath taken them*; blesse his name: this is a godly and Christian resolution. Els thou doest build the tower of Babel to defend thy selfe against heauen; thou takest securitie of a wretched man, both for thine owne goods and gaine; yea for Gods blessing against the hand of God himselfe. *Montes impietatis.*

Gen. 11. 4.

This which I say vnto all in generall, I say vnto old men in particular, who be *attentiores ad rem*: who haue giuen ouer trading, and begin now to repose themselves vpon Vsurie. Will not such a man trust God in his old daies, who hath blessed and preserved him thus farre? Remember the time is not long, vntill thou must trust him with a far greater matter. Not the principall of thy money; but the prin-

Iob. 1. 21.

all of all, even thy soule must bee committed into his hands, who is able and may iustly cast it into hell fire. Admit therefore that God shall by his owne act take away some part of thy wealth; thinke with thy selfe, it may be I haue gotten some part vnadvisedly and vniustly, and God will pare it away, that hee may withall cut off my sinne for my soules sake. And if it please God hereby to trie my patience; *The Lord hath giuen, and the Lord hath taken; as it pleaseth the Lord, so cometh things to passe: blessed be the name of the Lord.*

CHAP. XV.

The sixth argument, that it is vniust.



He second table is deriued from the first; therefore if vsurie be vngodly, how can it be iust? It offendeth against heauen & against earth: vniust it is, whether wee consider the nature of the thing it selfe, as it is before defined; or whether we respect the persons themselves whom it doth concerne.

Looke vpon the definition, and in it vpon three things. 1. the Loane. 2. the Couenant for the loane, and 3. the Lucre vpon couenant: and euery one of these will prooue the iniquitie of it.

First, it is the nature of loane to be free: for as a thing is not giuen but sold, vnlesse it be freely giuen: so is not any thing lent, but rather let, if it goe for hire. We haue defined Vsurie by *lending* or *mutation*: and so hath the Scripture likewise. Vnto which our aduersarie in this point doth accord, that the object of Vsurie is a thing lent, called *mutuum*. But lending is a worke of mercie, of kindnesse, of bountie, of liberalitie; it was ever so taken both in Scripture and common conceit. *Thou shalt not shut up thy compassion, but shalt lend. A good man is mercifull and lendeth. Do good and lend.* Lending, I say, is a worke of mercie

Exod. 22.

25.

Deut. 23.

19.

Molineus.

Deut. 23.

8.

Psalme

112. 5.

Luk. 6. 35

to the poore, of kindnesse to thy friend; thou must not therefore set a price vpon it.

Those are much deceiued then, who thinke that Usurie is iust, because the vse of money for a time is worth money; and therefore if no more bee taken then the vse is worth, there is no iniquitie. This rule holdeth in buying and selling, but not in acts of charitie; therein it is no good rule. Thou bidst, for the purpose, thy poore neighbours to dinner: this is money worth; for it cost thee money, and saueeth them money at home: yet thou wilt not set a price vpon it. Why? because it is a worke of charitie. Thou bidst thy rich neighbour sometimes; that which hee eateth is worth money: yet thou wilt take none; but thinke foule scorne it should bee offered. Why? because it is an act of kindnesse, of neighbourhood, of friendship: these things may not bee bought and sold, the nature of them is to bee free. Lending is a worke of mercie to the poore, of kindnesse to thy neighbour; and therefore is euer free. It is as vnjust a thing to sell charitie, or friendship, as it is to sell iustice: both are naught; this is *briberie*, and that is *Usurie*; let them goe together.

2 If thou looke vpon the *Couenant for this loane*, it is vnequall: wherein thou doest binde the borrower to make good the principall, and to pay thee increase for the vse of the same principall, for the time it is lent.

I demaund then, during the time of loane whose is the principal? thine or the borrowers? It was thine before thou lent it, and it shall be thine at the day of payment; but during the time of loane, it is the borrowers: for thou hast by couenant passed ouer both vse and proprietie to the borrower: so that during that time thou wilt not own it; if it perish, it perisheth to the borrower, as to the right owner for that time. If it be none of thine then, but the borrowers for that time; I aske, by what right canst thou couenant to receiue hire for the vse of that which is none of thine, during the time it is not thine?

If thou let a horse, house, or land, thou maiest couenant

to receiue hire because thou hast passed ouer their vse only, reseruing the propertie of them to thy selfe; so that thou art owner of horse, house and land still, during the time they be in another mans possession. Therefore if the possessor shal abuse thy horse, or make waste vpon thy land, thou doest iustlie complaine, because the propertie of them is thine: so is it not in money. Why doest thou then couenant for hire, for the vse of that wherein thou hast no right or property? Thou wilt happily imagine, this is but a quiddity or schoole tricke put vpon thee. Thou thinkest in very deed the money is thine being lent, hee hath but the vse onely for a time. Be it so then: Let the principall be thine in couenant, as it is in very deed. Bee thou the owner of it, during the time the borrower vseth it: so that if it miscarie, thy money miscarieth, and not his; for euery thing perisheth to the right owner. Nay (quoth the Vsurer) there I leaue you. Though the principall indeed bee mine, yet if it miscarie; it shall be his, he shall beare the perill: I will make that in my bargaine. Therefore, say I, it is an vnequall and vniust bargaine. The borrower hath the vse onely of thy principall, and payeth for the vse, which alone is his: why should he then beare the perill of thy principall, which is none of his? The vse onlie he hath, and he payeth for that which he hath: why shouldest thou burthen him then with that he hath not? This is no quidditie: It is the equitie of Gods law. ^a *The borrower shall not make it good, for if it be an hired thing, it came for the hire.* It is added, *if the owner thereof stand by:* (to wit) that it appeare to perish or be hurt, not by any fault of the borrower. So admit money could by Vsurers bee made an hired thing; yet the equitie of Gods law bindeth, that if it appeare to miscarie without the fault of the owner; the borrower shall not make it good, because it came for hire.

3. If we consider the quantitie and qualitie of this lucre or interest, (as they commonly tearme it) it appeareth still worse and worse.

1. First, there is great gaine, which is seldome iust: ^b *He that*

^a Exod.
22.15.

^b Prou.
28.20.

that maketh hast to be rich shall not be innocent. What a simple foole was *Aristotle*, to call money barren, which yeeldeth a double haruest at the least euery yeere? fixe moneths is the most; nay three moneths returne is ordinarie, and yet still the former crop maketh seed corne for the next. Let me see: Admit one thousand might be set by free, to run at interest, and not faile, 70. yeeres (which is but the age of a man) it would increase to a million, a thousand fold; a pretie proportion, to sit still and doe nothing.

2 In all honest trades, the greater gaine, the greater aduenture still. Soft gaine is sure: the more vncertaine the gaine is, the greater it may be, and good reason it should be so. When the great gaine of Merchants in former time hath been obiected vnto them, they could say of their goods as *Saint Paul* writeth of himselfe: *In perils of water, in perils of robbers, in perils of mine owne nation, in perils among the Gentiles, in perils in the wildernesse, in perils in the sea, in perils among false brethren*: and it was thought a reasonable apologie; but Vsurers haue the gaine, great gaine, and others beare the perill, great perill.

2. Cor. 11.
25.

3 Great and certaine gaine out of vncertainties; the great and certaine gaine of the lender, out of the vncertaine gaine of the borrower. Vncertaine, whether it shall bee little or great: vncertaine, whether it shall be any at all: vncertaine, whether hee saue the principall: But win hee or lose he, the couenant is for a certainty: *Certum lucrum ex incerta negotiatione*.

4 Adde vnto this, that such great and certaine gaine out of these vncertainties commeth in without labour or cost, or trouble to speake of. Here is a cleanly Alchymist, who can extract so much siluer, and wast nothing in smoake.

Summe all together; so haue you; great gaine and certaine to the vsurer: sometimes out of little gaine; sometimes out of no gaine; sometimes out of losse; alwaies out of vncertainties; alwaies out of labour and paines, out of care and cost, out of hazard and perill to the borrower. Commeth all this on Gods name

§. 2.

Take a view of the parties whom vsurie doth concerne, they bee three in number: The Vsurer, the Borrower, the Common-wealth.

1. First, let the Vsurer be his owne Iudge. Aske him if he be an Vsurer? No, there is none free of that companie. And yet it is not for want of companie, there be enow of the trade. Besides, it is an ancient trade, it is a cunning trade, (*a mysterie if you will*) it is a gainfull trade, a sure trade. There be men rich, wise, and very sufficient euery way of the trade; for Masters, for Wardens, for what you will. Why then haue we not the Companie of Vsurers? I know no reason but only this, such men are ashamed of their profession. We may say of them as *S. Paul* said of an heretike, that *he is perverted and sinneth, being condemned of his owne selfe.*

Tit. 3. 11.

If Vsurie bee an honest trade, which men neede not be ashamed of, our Citie is much to blame in this: for there is no trade in it so poore and meane, if it be an honest trade, but hath a Companie. The *labouring man*, the *Mason*, the *Tiler*, the *Waterman*, nay the *tribe of Isaker*, who carrieth burdens amongst vs, hath a marke to know, who belongeth to that fold: onely they haue excluded the *Vsurer* and the *Broker*. I said their owne hearts condemned them: me thinks the Citie condemnes them too. Is there no place for them? *Nusquam est qui ubiq.* I pray God they be not of euery Companie. Yet if we be asked what the Vsurer is, we must answer as our Saviour Christ speakes in the parable, that he is *a certaine rich man*, of no calling or profession; a certaine rich man, and that is all.

Luk. 16. 19.

2. That we may take a view of the borrowers, wee doe sort them into foure rankes: First, if they be poore indeed, then is it miserable and palpable biting, the emphasis of Gods law stands vpon that. Such lending is to them like gold water powred vpon a seacoale fire, or as a shower of raine vpon a load of lime; though it may seeme to quench and coole, yet it kindleth and inflameth more and more.

If

If they be young gallants and prodigall persons, the Vsurers lend, and they spend. Let them looke to their lands; let them beware of *Dauids* curse; *Let the Nosser, that is, the Usurer, catch all that he hath. Illaqueat fenerator omnia quae ei sunt.* The spider lets them buzze and struggle till they be fast intangled, lands and all; and then hee sucketh them. One vse that God maketh of such Vsurers in this world, is to be a curse and a plague vnto riotous persons. Against these two sorts of borrowers that schoole argument is demonstratiue, that the vse and propertie of the principall be inseparable; that the principall is spent in the first vse: for these persons make but one vse of money. It is spent to them in the first vse; the poore for necessitie; the prodigall for wantonnes, doe send it packing, neuer to returne either in kinde or any equiualent.

A third sort of borrowers bee rich and well grounded men. A rich borrower? how doe these two agree? *Doth the asse bray when hee hath prouender, or lotheth the oxe when hee hath fodder?* If such haue some present occasionall need (as the richest may haue) if thou canst spare it, lend in kindnes and neighbourhood, to receiue the like courtesie againe an other time. This in such a case, is consideration enough for a Christian, because the heathen desired no more, but *for euen sinners* (saith Christ) *lend to sinners to receiue the like,* the like kindnes another time vpon the like occasion. Humane societie cannot stand without lending and borrowing, as *S. Basil* notes. Wherefore hath God made men sociable creatures, but to helpe one another vpon such occasions? But to lend rich men to enrich themselves more, is to powre water into the sea; thou art therein no good steward of Gods blessings, which hee hath giuen thee to dispose of. It is not good to feede a rich mans humour too much: thou maist giue him weapons to doe hurt withall: for he will gaine double or treble at the least, and some bodie must pay for that, who cannot so well spare it.

Besides, hee doth shuffle thy stocke amongst so much wealth of his owne, that thou canst not gesse which way it goeth,

3

Plal. 109.

11.

3

Iob 6.5.

Luk. 6.34.

goeth, or how it is inployed; which being thy goods thou must answer for, if thy care bee not as great for the good inployment of thy money, as it is for the sure payment thereof.

4

The last sort are of a midling fortune, or yong beginners, who make a poore shift, but are scarce able to manage their trade, for want of money. Now are we come to the proper object of the second worke of charitie. For as free gift and almes belongeth to such poore people, as be not able to repay any thing backe againe; so free lending belongeth to such as these. Heere is place for *bankes of Charitie*, that tradesmen may haue free vse of money; only paying the officers fees, which is no vsurie. If thou canst spare it, thou maist doe well to pleasure such with a summe for a time freely, that God may blesse thee. Or if thou thinke so well of any of them to venture some stocke, by way of partnership; that way also thou maist profit thy selfe and them with a good conscience. Is there no way but plaine vsurie? If such young beginners cannot by such lawfull meanes be relieued, they must take it for their crosse, and be content to take paines in seruice vntill they can be masters of their trade: It may be God would not haue them to come vp so hastily as they desire. Good and lawfull meanes offered vnto vs, are as a sermon from heauen to declare what the good will and pleasure of God is.

3 For the Common-weale, it becommeth not a Churchman to say much. But this is obuious and plaine; that it is not good for a hieue to nourish drones; *edenti, sedenti, dormienti, &c.* Let them eate, sleepe, sit, and play; do what they will, the moneths goe out, and the money comes in. These be the kine of *Bashan* which feede vpon the Commons.

Amos 4.1.

Heare the word ye kine that are in the mountaine of Samaria, which oppresse the poore, and destroy the needie. Nay they be like wormes and weapons, onely to deuoure; else what good doe they? Forsooth they send out their money. It is true; and that doth the Common-weale pay dearly for; a hundred thousand pound for euery million, at the least. But were

were these men in their graues, their money would come more freely: their young frie would send it abroad commonly most frankly, without penie of interest. And this is the speciall prouidence of God for the common good, who (as ^a *Salomon* obserued) will bring it so about, that the Vsurers money will abroad for the good of others. For if the Vsurer could make himselfe, as he maketh his principall, incorruptible; wealth would quicklie get into a few mens hands; which is the ^b present bane of a Common-weale. The Vsurers money passeth from hand to hand like counters, the standing boxe in the end would eate vp all: and then what calamities, tumults, and seditions must needs follow? If any can but hoise a standard, be he *David*, or be he ^c *Absolon*, such discontented persons as be so fast in the Vsurers bookes, will flocke, by force to redresse themselves.

What lamentations in ^d *Nehemia* his time for twelue in the hundred? What beggerie amongst ^e *Spaniards* by the *Genowaies*, notwithstanding their *Indian* trade? What garboiles in ^f *Germanie* by the Rusticks against Magistrates? What riots in ^g *England* by Christians against Iewes? What seditions in all ^h Cities hath vsurie been the cause of?

So then which way so euer wee turne our selues; whether wee looke vpon the *loane*, the *Couenant*, the *lucre*, in the thing it selfe: or whether we respect the parties, to wit, the *Vsurer*, the *Borrower*, or the *Comminaltie*, wee find much iniquitie, but no iustice; much mischief, but no good at all.

^a Pro. 25. 8.

^b Bodin de
rep. lib. 5.
cap. 11.

^c 2. Sam. 12.
2.

^d Nehem. 5.
^e Dr. Wilson
fol. 186

^f Aret. pro-
blem. de
usura.

^g Anno 37.
Hen. 3.

^h Hieron. in
Esa. 58. 6.

Q

CHAP.

CHAP. XVI.

The seventh argument, that it is uncharitable.



Pro. 18. 8.

Pro. 13. 22.

Here we find no iustice, what hope can there be of charitie? For first there is such a naturall antipathie betwixt vsurie and charitie, that they cannot possiblie dwell together in one breast. Which is insinuated not obscurely by Salomon in the place before mentioned: *He that increaseth his riches by vsurie and interest, gathereth them for him that will be mercifull to the poore.* God by his vnsearchable prouidence, will so dispose and order things, that the Vsurers wealth shall come into the hands of him who will be as *mercifull* as he was *mercilesse*. The antithesis of which place sheweth that the Vsurer wanteth the bowels of mercie, which good men haue. For as in the same booke hee saith, *the riches of sinners are laid vp for the iust*: so the riches of the Vsurer are gathered for the mercifull. Where Salomon setteth *mercie* in opposition vnto *vsurie*. Wherefore vsurie may well be termed a biting: for as without, it biteth others; so in the heart of the Vsurer, it eateth out the very bowels of compassion. It is a principall branch of that root of all euill, which rooteth vp the root of charitie, strugling with it in the very conception of the heart, as *Esau* did with *Iacob*.

Psal. 37. 26

1. Cor. 13. 5
Cap. 10. 24

2 And as euen mentall vsurie doth naturallie oppose it selfe to the affection of mercie and compassion, and thereby hardneth the heart of the Vsurer; so doth actuall vsury likewise peruert the act of charitie, turning it into an act of selfeloue. That renowned act of *lending*, which bringeth an heauenly reward, and a blessing vpon posteritie, is by vsurie exposed to a most illiberall bargaine and sale: that which was ordained of God, by the Canon of that *Charitie which seeketh not her owne*, to respect the good of others; is turned to his owne proper lucre and gaine.

3 Last of all, experience telleth vs that this practise of vsurie, by setting a price vpon *lending*, as vpon ware in a market, hath almost displaced free loane amongst men. So as a chiefe supposed patron of vsurie, *Bucer* himselfe, obserueth: *Eò res abiit, ut impudens habeatur, qui mutuum petit citra fœnoris oblationem*: He is now counted an impudent fellow, who will offer to borrow money without proffering consideration.

In Psal. 15.

Thus haue I shewed briefly as I could, that vsurie is vnto all doubtfull at the least, and therefore vnlawfull. If not, yet it is scandalous and offensive; and therefore vnlawfull. It is forbidden by a law to which wee all stand bound in conscience, and therefore vnlawfull. I haue shewed it likewise to be in it selfe vnnaturall; vngodly against heauen; vniust towards men; and vncharitable against the rules of mercy. Now if it be any of these, it is a sin; if it be all these, it is an abomination.

The end of the second Booke.

Q₂

THE



THE THIRD

BOOKE ANSWERETH SVCH

motiues and proofes as are brought
for Vsurie.

CHAP. I.

*Of the motiues and reasons Which perswade men in this age
that Vsurie should be lawfull.*



As it is in the bodily eie, so is it proportiona-
ble in the mind: except the apple or sight
of the eie bee void of all colour in it selfe,
it cannot possible receiue colours or iudge
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ted glasse, colouring euery object like it
selfe. In like manner, though I were able to fill my booke,
as *Iob* did his mouth, with arguments; and to make each
argument a demonstration against vsurie: yet so long as
such cloudie conceits do hang in the braines of men, which
cast a dye and tincture vpon the vnderstanding; all that
can bee said will not any way worke vpon them. Which
imaginarie colours that they may the better bee discer-
ned, how they doe arise in mens minds, and after may
be more easily dispelled, I will place them in fve seuerall
rankes.

1. The first thing which offereth it selfe in these vsurious
daies, is custome and example: which though it would not
be admitted in Schoole for an Argument; yet it worketh
admirable vpon vulgar vnderstandings. For people being

as *Labans* sheepe, lead by the eie, doe conceiue as they see. Seeing Vsurie therefore so much practised of all sorts; men are euen thereby without further examination much moued to thinke it lawfull. And the rather considering the qualitie of those men who doe vse it: who bee not onely earth-wormes and meere worldlings; but men of verie good respect amongst men, for their honest and vpright dealing; seeming very religious men, and zealous professors of the Gospell of Christ; whose tender consciences will sometimes rise at a very small offence. Now these lookers on doe thinke themselves bound in charity to beleue, that such men as these would neuer venture their soules vpon this practise, had they not been well informed before, and fully resolved by good Diuines. Let them who doe vse it then be examined for their ground and warrant; you shall find that some of them haue resolved themselves out of their owne wit and iudgement. For albeit they dare not trust themselves with their owne bodies for physicke, (though happilie they may haue some smacking of skill that way) neither dare they informe themselves without their learned counsell at law, for their goods and estate: yet the estate of their owne soules they dare vndertake themselves most confidently in matters of the greatest difficultie and danger.

Others who be not so conceited of their owne diuinity, yet very willing to be perswaded of the lawfulnessse of that which is so profitable, doe take the very silence of some Ministers for a resolution; thinking as charitablie of vs for our silence, as others doe of them for their practise. For observing how friendlie wee conuerse with them whom we know to liue in that kind; how we receiue daily kindnesses from them; how zealous some of vs seeme to be for the reformation of such things as concerne them & their soules, either nothing at all, or nothing so much as this: hereupon they presently resolve; verily if Vsury were so damnable as some suppose; these good me our speciall friends, would neuer suffer our soules to sleepe so securely in such danger.



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Sometimes it may be they will moue the question by the way amongst other matters; and then shall you haue some pregnant wit, after a little studie vpon his trencher, returne a present resolution to their mind: *That if it bee not Neshec, he can see no reason why it may not bee allowed.* This diuinity passeth from table to table very currently, amongst those who very heartily wish it true. All this put together maketh one strong motiue in the minds of the people, for the lawfulnessse of Vsurie. First, the custome of it amongst vs (which taketh away the sense of sinne;) and the generall practise of it, even amongst them of good note and reputation. Secondly, our sluggish modesty in being ouer silent, and the conuiencie of such as are loth to disturbe or displease their friends. Last of al, those *Ecchoes* and *Quail-pipes* amongst vs, who catch friends by imitating their voice; returning answeres answerable to their desires. These things (I say) will easily driue men forward into a good opinion and practise of Vsurie, who are readie to runne of themselves.

2 A second motiue ariseth out of pitie and humane commiseration towards some persons, who haue stocks of money, but want skill or power to imploy the same. This affection was the first hatcher of an Vsurers apologie among exiles in time of persecution: which now is also applied vnto *Orphans* and *Widowes* in time of peace. For were it not pitie that these should spend their stockes and consume them? Or that their stockes should be exposed by trust to the pray of strangers in these hungrie daies? Since God therefore hath given in charge so often in Scripture to provide for the fatherlesse and widowes; is it not a safe way by this meanes to allot them a certaintie for the vse of their monies, their principall being still preserued; they maintained by the interest; and the Common-weale to enioy both the monies of them who want skill, and the skill of them who want money?

3 As by these motiues they would perswade; so in the third place they would bind vs by imposing a necessitie of Vsurie

Vsurie vpon towne and citie; as if traffique and trading could not possible be maintained without it. It is not pooring vpon a booke that can determine this question. Alas (say they) can schollers, who be hudwinckt, and brought vp within the walles of a Colledge, iudge of the state of a Citie? Let these bookish Clerks scribble what they list, we Citizens doe know that vsurie is necessarie; and if it be necessarie, sure it was neuer Gods meaning to forbid it simple. * *The Commandements of God are not grievous.*

* 1. Ioh. 5. 5

4. After that these fantasies bee once settled in mens braines: first, that custome and the practise of good men must beget an apologie out of the charitable conceit of the vulgar: next, that that apologie must bee applied in pitie vnto certaine persons, who haue most need to be relieued by it: and then, that which is permitted to some, is in time apprehended of all sorts, as necessarie to whole incorporations; so that Vsurie now must bee lawfull, there is no remedie. Then in the fourth place, the wit of man must bee set on worke to spin out fine and subtill cases of Vsurie, wherein there shall appeare nothing but iustice and charitie: no wrong or iniurie vnto any. And here they will put vs to it indeed: It is an easie matter to cast a stone into a poole, which seuen wise men will hardly get out. How intricate cases both in law and equitie are multiplied daily, it is too eident: and if they can find out but one case of Vsurie wherein enormitie can hardly be discerned; that one case will beget many cases like vnto it selfe. For the wit of man will worke like a moale to get into the earth. If it be lawfull in one case, it shall be lawfull in many: else that one case shall be every mans case to serue for a cloake.

5. Last of all, when they haue wrought thus farre; some, because they would excell, pretend prooffe out of the sacred text of Scripture it selfe. I speake not of those reuerend Diuines before mentioned; who, defending Vsurie, no Vsurie; doe onelie mitigate and qualifie the rigour of the texts with some deuised distinctions. But there is a fellow of late time, who positiuely would proue Vsurie to be lawfull,

full, euen by the Scripture: wringing and wresting the text as if it would looke something that way; but very strangely. This passeth from hand to hand in writing only; for I hope he is ashamed to print it, because he is ashamed of his name: whereby it seemeth if he be not able to bee an Vsurer himselfe; yet hee would faine be like vnto them in somewhat. Vnto these five heads we may easily referre what euer hath been said with any colour, or may bee imagined in the defence of this sinne. Our last endeavour then must be, to discover these in order; which to a single eie will easily manifest themselves to be meere apparitions.

CHAP. II.

An answer to the first motiue, taken from the common practise of Vsurie.



Would not wish any so simple, as that the custome of any thing in these daies should moue him to thinke it lawfull. For if men shall degenerate as fast the next age, as they haue done within memorie of man; we shall haue a deluge of drunkenesse, and diuers enormities, not to be named amongst Christians. For the practise of the better sort, if charity rule thy iudgement, as it was propounded in the motiue; then thinke in charity: first, that thou maiest bee misinformed concerning these men. For it may bee they may deale by way of partnership, or some other lawfull contract: and that these are drawne into the number, by such as being themselves downe-right Vsurers, would win credit to their trade, by reputing others like themselves.

Next, if it shall appeare in some to bee no false imputation, but too true (as I feare it is in too many) then the best couer we can make for them, is the same which charitie it selfe made vpon the crosse for those grieuous sinners:

Nesciunt

Nesciunt quid faciunt: They know not what they doe. For I verily perswade my selfe in my soule, had some of them knowne how vnlawfull and dangerous a practise vsurie is, they would neuer haue ventured their soules vpon it. But as others are by their example, so were they by the example of others led into this common error. Vnto them therefore especially let me addresse my speech; beseeching them euen as they tender their owne soules, to take notice how this kind of ignorance will not excuse, but rather condemne them, who haue so good meanes of better resolution, if God would moue their hearts to seeke after it. Be well resolved then, before you practise; lest all turne vnto the greater sinne. Trust not your owne resolution in this case; *Mammon* is subtil to beguile you. Therefore be as diligent to take counsell for your soules in religion, as you are for your bodies in phylicke, and for your goods in law. Be as carefull to make choice of your counsel in the one, as in the other; and desire no lesse securitie for your consciences in this question of vsurie, then you doe for your principall in the practise of it; and then will you respect both the abilitie and fidelitie of them with whom you deale. Abilitie of iudgement, that they be able to informe you; and fidelity, to deale truly with your soules.

Neither let our silence incourage any to practise this sin. We would be glad that generall reprehensions out of the pulpit might suffice. We are loth to take *Nathan* his office vpon vs, and say, * *Thou art the man*, except we had some speciall commission, as he had: It is a thanklesse office. Besides, we take notice of those crimes only which are written in mens foreheads, wee haue no warrant to examine your bookes of Accounts. Let the inquirie then come from your selues, giue vs encouragement to deale plainly, sincerely and directly with your consciences. If we be ouer soft and indulgent with you in that businesse, take no advantage therefrom to the hurt of your soules; men of the best profession will be men, and not Angels. And for your better resolution in this particular, let me obserue vnto

R

you,

2.Sam. 12.

7.

*Decad. 3.
serm. 8.

*Matth. 26.
23. 24.

you, that vpon the best inquirie that I can make, I find not any one Diuine, new or old, of what religion or sect soeuer, who hath euer passed the presse in this point: not any Diuine, I say, (for *Molinaus* was a Ciuilian,) who hath vnder-taken to examine this question: no not any of the supposed patrons of vsurie, who hath defended the same, as it is before defined, and commonlie practised with the greatest moderation, nine, eight, or seuen in the hundred. I did thinke at the first I should haue found some; and some I haue found who doe coast ouer neere vpon it; and some who do giue ouer much libertie in that kind. Yet not any of them (let * *Bullinger* goe, who writeth no whit to our purpose; but most confusedly taketh and mistaketh vsurie for all commerce, in rents, reuenewes, bargaine and sale, merchandizing, &c.) not any, I say, who hath euer taken this question in hand to sift and examine it; (for briebe Chatechistes doe but touch and away) not any of them who haue distinctly laid open themselves in this point; but in conclusion (their cautions, and limitations by them added, being likewise sifted and examined) their resolution is still contrarie to your ordinarie and most moderate practise. If any man therfore shal take you aside, as *Peter* did *Christ*, to fauor your dealings in this kind; suspect that whispering to
**fauour not the things that are of God, but the things that be of men.*

CHAP. III.

*Answering the second motiue for Orphans, Widowes,
and old men past trading.*

THIS Rom example wee passe to affection; which is as blind and peruerse in iudgement, as the other is powerfull to leade into error: the affection of pity and compassion, which of al others doth preuaile most euen among the better sort; because it seemeth to arise out of charity. But charity is no charitie if it oppose iustice. It is both a foolish and cruell pitie, which so tendreth the outward estate

estate of any, to the hurt and prejudice of the soule. If vsurie (say they) be not lawfull for any to practise, alas what shall become of those *Orphans* and *Widowes* in these vnjust daies, which haue stocks of money left vnto them, and want skill to employ the same? What shall become of them? by the helpe of God they may do well. My greater care is, what shall become of those *Orphans* and *Widowes* in these vncharitable daies, which haue no stocks at all left vnto them: though I confesse both the one and the other are alike in this; that they be not so able to help themselves as others be. Therefore there bee no two estates amongst men, ouer whom God hath a more prouident and tender care, then ouer widowes and fatherlesse children. He hath provided for them by a speciall law: *a Thou shalt not trouble any widow, or fatherlesse child.* His iudgements lie heauie vpon the transgressors of that law. *b If thou vex or trouble such, then my wrath shall be kindled, and I will kill you with the sword, and your wives shall be widowes, and your children fatherlesse.* No one law more iterated by *c Moses*, and frequently vrged by the Prophets, then this for the safeguard of Orphans and widowes. Whom if mortall men shal neglect, God himselfe in his fatherlie prouidence will bee their protector. *d He is a father of the fatherlesse, and iudge of the widow, euen God in his holy habitation.* Yea God would worke a miracle, rather then the poore widow of the sonne of the Prophets, with her two fatherlesse children, should want. The Sonne of God sheweth the like tender affection in denouncing a woe against such as *e denoured widowes houses.* And his *f Apostle Iames* measureth pure religion and undefiled before God euen the father, by charitie towards the fatherlesse and widowes.

Hath God then so many waies bound himselfe by promise to prouide for widowes and Orphans; and shall these by vsurie withdraw themselves out of his fatherly prouidence? Shall these be secured by vsurious contracts against the act of God himselfe? Verily God will take it more vnkindly at their hands, then at any other. See the difference

a Exod. 22.
22.

b Vers. 23.
24.

c Deut. 10.
18.

Cap. 14. 29

Cap. 18. 11

14.

Cap. 24. 17

20.

d Psal. 94. 6

Psal. 146. 9

Esa. 1. 17.

23.

Cap. 10. 2.

Ier. 5. 28.

Cap. 7. 6.

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Zach. 7. 10.

Mal. 3. 5.

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e Mat. 23.

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e Mat. 23.

14.

f Iam. 1. 27

in this point betwixt the wisdom of the world, and of God. The world thinketh vsurie the best and the safest way for Orphans and widowes; because it doth secure them most from all casualties, which might fall vpon their stocks and estates, by any act either of God or man. The wisdom of God contrariwise is, that these persons should most of all cast their care vpon God; because he careth most of all for them. But of all practises vsurie doth most withdraw them from dependance vpon Gods fatherly prouidence, which best becometh their condition. If vsurie then be a thing vnlawfull, in case of Orphans it is most vnlawfull. And vndoubtedly if Almighty God in wisdom had thought it meet to haue tolerated vsurie in these persons, he might as easily haue mentioned the same, as ^a he doth the toleration of lending to strangers. But it was so farre from Gods meaning, that in the very same ^b place, where he maketh a law for the safegard of Orphans and widowes, presentlie and ^c immediatly vpon it, is annexed the law against vsury. Shal these then who are so well prouided for, by a speciall law of God, be transgressors of the very next law vnto it? God forbid. Let them not come neere vnto that transgression of all other; let not them of all others come neere vnto it.

Orphans are comming into the world; widowes, who intend so to continue, are going out of the world; and shal these two Ages, which of all others ought to be most holie and heauenlie; the one for innocencie, and the other for deuotion, bee stained with vsurie? Christ is *Alpha* and *Omega* vnto vs, the *first* and the *last*, the *beginning* and the *end*; and shall the *alpha* of our nonage, and the *omega* of our dotage be dedicated vnto vsurie?

1. Christ calleth himselfe by the name of a letter, the first letter in the *Alphabet*, that children might learne Christ so soone as they be able to know their letters; and shall wee suffer our children to bee died in the wooll of their infancie, with the scarlet sinne of vsurie? The ^a spirit of Adoption teacheth vs, to crie *Abba* father. *Abba* is the

^a Deut. 23.
19.

^b Exod. 22.

22. 23. 24.

^c Vers. 25.

^a Rom. 8. 15

the^b first word that children can naturally pronounce, as if God delighted to bee called Father in the childs language. Shall earthly fathers then provide no otherwise for their babes so deerely beloued of God, but by the contagious sinne of Vsurie? Stampe garlicke in a new morter, and it will smell of it euer after: giue the diuell possession of a child, and he will be remooued with great difficultie. For when the^a Disciples of Christ could not cast him out, when Christ himselfe saw with what extremitie hee came forth; with what *malloving*, *foming*, and *renting* of the possessed; he demanded how long that had happened vnto him: Answer was made; *of a child*, Bee it farre from parents and gouernours to giue Satan such aduantage ouer innocents; as to feed and nourish them; to maintaine and bring them vp by the increase of Vsurie.

2 I write vnto you widowes, who professe your selues now in your latter age to leaue the world, and betake your selues to God; to bee so married vnto your onely husband Christ, as that you may quietlie and peaceablie say your prayers; heare Sermons; reade your Bibles; and liue vpon Vsurie: tell vs in the name of God, where haue you learned thus to ioyne God and *Mammon* together. Looke into those *Bibles* which you reade; euen that which carieth the name of *Geneua*; which translation in respect of the place should seeme most to fauour you in this point: there haue you all the termes: ^a *Vsurie*; ^b *Interest*; ^c *Increase*; ^d *any increase*, distinctly expressed; yet not any of them in any place mentioned, but vtterlie condemned, absolutelie forbidden amongst the people of God, without any distinction, difference, toleration, or qualification at all; Looke into your owne estate and condition. I will suppose that your husbands in their life time did themselves imploy their stocks in honest and lawfull trading, submitting themselves to all lawfull aduentures: sometimes enduring great losse with patience; sometimes gaining much, as it pleased God to blesse them. Since their decease during the time of your widowhood, by this trade of Vsurie, diuers of you haue at-

^b *Bucer. in Rom. 8. vers. 15. Abba Pater, & libenter audiunt patres, & pueri primum sonare discunt.*

^a *Mark. 9. 20.*

^a *Exod. 22. 25.*

^b *Pro. 28. 8.*

^c *Ezec. 18. 13.*

^d *Vers. 8.*

tained vnto farre greater wealth then your husbands themselves euer could. This you cannot denie to bee most true. Your answere is, yoo doe thanke God for it, it is his blessing: whereof I do make great doubt; and so would I wish you to doe. Is it not strange that a fillie woman not able to manage her owne estate, deprived of her honest and wise guide and head, should thrue better, with greater ease and security, then her husband with the same or better meanes euer could? If this came by any extraordinarie blessing of God vpon you; I would lift my hands to heaven with you, praising God in his wonderfull works. But if it be knowne to come by the ordinarie trade of Vsurie; I would suspect that not to be of God: for God hath ordained your widowhood in respect of your former estate, to be an estate of humiliation, for the outward condition of this life. But contrary to this ordinance of God, you can make it, by the practise of Vsurie, to be an estate of exaltation: for whereas in your husband his daies, your stocke by his honest and painefull negotiation, was subiect vnto manifold perils; and by perill vnto great and dailie losses: your widowes vocation can provide by sufficient bonds against all these, with great increase of gaine: bonds so sufficient and absolute, that vnlesse God dissolue them beyond all expectation (as sometimes he doth) your resolute purpose is, to be secured against any act both of God and man.

* Luk. 10.
34.

Giue me leaue to deale plainly with you, and to vse the
 * *Samaritans* sharpe wine as well as oyle for the scouring
 and curing of this wound. Looke vnto your charge, whom
 God hath made Stewards of your stocke of money. It is
 you who stand answerable before God for the vse or abuse
 of such summes as you put forth into the hands of others:
 where you gain ten in the hundred, they must gaine twen-
 tie cleere, besides many charges and duties to bee paid out
 of their gaine. How doe you fillie women know who is
 oppressed or bitten by such gaine? You will say that you
 commit it into the hands of such as you hope to be honest
 conscionable men: for they keepe touch, and pay you your
 money.

money: They be neither ingrossers, nor forestallers, nor oppressors, nor vnreasonable gainers; but honest and religious men: for they deale honestly, and *pay you your money*. Tell me then, if they be such honest conscionable men that you deale withall, why dare you not trust them to imploy your money for you by way of partnership; allowing them a proportion of gaine for their skill and care, and bearing answerable part of the losse? Dare you trust them with your soule, in that wherein your selues stand answerable vnto God; and not with the vse of your goods for your owne profit? I beseech you meditate seriously vpon these things, which are sensible; let the tenderesse of your sexe worke vnto a remorse in this point; take it to heart; bee troubled in conscience for this sinne: * Let the worme bite here, that it may die elsewhere.

If you should bee troubled, I imagine presently what comfort shall bee applied. Your children, kinsfolkes, or friends who haue aduised you to this trade (wherein you haue not been well aduised) will bid you send for such or such, who be reuerend and graue Diuines; such as loue you well. Bee it so then; euen vnto those reuerend and graue Diuines dare I appeale for your case: conferre with them; desire them to deale plainly with your soule; to search the wound to the bottome; and I make no doubt, but they will tell you: First, that the text of Scripture is directly against you: Next, that those distinctions and interpretations which seeme to qualifie the matter, are but the comments of some few learned men, who differ from the rest, and among themselves; according to the varietie of their seuerall apprehensions. Lastly, they can tell you, that euen those Diuines who seeme most of all to fauour you; their cautions and limitations being added, doe all of them conclude directly against that which you practise.

And if there bee any who shall vse nothing but oyle to heale vp your present grieue, and draw a skin over it, with such indulgent toleration of *Interest* as you desire; in the name of God take heed of such; suppose them to be *sowers*

* *Mordeat hic ut moriatur illic. Bern.*

of

of Pillowes. It is dangerous to relie vpon them, who giue most libertie in the matters of deceitfull *mammens*.

3 I write vnto you old men, who decaying in the powers of mind and bodie, are forced to leaue your trade, and doe aske what you shall doe; who hauing got some money together in a lawfull calling, are not able to follow it any longer? Doe you aske Diuines what you shall doe for the world? We must aske that counsell of you; we can tell what you must not doe. Is there no fruit in the garden, but onely the forbidden fruit? Haue you spent your strength and worne your senses, to liue at ease without labour when you are old; and haue you not taken some care for the ease of conscience, how to liue without sin when you are old? Will you intangle your soules with the practise of Vsurie, when you haue one foot in the graue? Hath God blessed your labours in youth; and will you forsake him in age? Will you pollute your soules with filthie lucre, when you should be most consecrated to deuotion?

Luk. 16. 1.

^a Vers. 3.

^b Vers. 4.

^c Vers. 8.

^d Vers. 8.

Euery man in his calling is a Steward; the decay of senses and memorie is an admonition that hee must giue ouer his Stewardship. Then he consulteth with himselfe what to do. ^a *Fodere nescio, mendicare erubescio*: Take paines he cannot, those daies bee past; to spend vpon the stocke will bring him to beggerie: at the last hee concludes: ^b *I know what I will doe*; that I may turne an hundred into an hundred and ten. Verily I commend such a man as our Sauour commended the vniust Steward, ^c *because he hath done wisely*: wisely, in making choice of so easie and secure a gaine, fit for his age: of so great and certaine gaine, fit for such seniors, who bee *attentiores ad rem*; ^d *for the children of this world be wiser in their generations, then the children of light*: wiser then the *Patriarchs* and *Prophets* of the old Testament: wiser then the *Apostles* and *Euangelists* of the new Testament: wiser then the *Fathers* and *Councils* of succeeding ages: wiser then any of the *Saints* of God that liued in former times: for we cannot reade of any of them who had the wit, either to practise Vsurie themselves; or by any

any distinction to approoue of it, or finde it lawfull in others.

CHAP. IIII.

Answering the supposed necessitie of Vsurie.



Necessitie is lawlesse. If Vsurers therefore can put on that coate, it will bee armour of prooffe against all prooffe by argument; against all statute and law both of God and man. They doe pretend that the state of the Citie cannot stand; that traffick cannot bee maintained; that tradesmen cannot liue without it. Then verily it was neuer Gods meaning to lay so heauie a yoke vpon his people, in forbidding that which is so necessarie. The right putting of the case will giue great light to the cleering of the point: whereof there be three branches.

I I demaund first of those tradesmen, who cannot liue in their trade without taking vpon interest: Is their meaning that they cannot liue in that fashion as they doe; maintaine their wiues in those fashions that they doe; driue their trades to that height which they doe? If this be the case, the answer is easie: It may bee God would not haue them carrie so great a saile as they doe, but to *drinke of the waters of their owne well*, and content themselues with such meanes as Gods fatherly prouidence doth offer them; there is no necessitie for a man to enrich himselfe by such practises, as bee either forbidden or doubtfull. *Better is a little with the feare of the Lord, then great treasure with trouble*; trouble of conscience at the houre of death. Thus farre we doe agree. Whosoever laieth this for his ground, that *He will be rich*, must insnare his conscience with many necessarie euils, whereof vsurie is one. Necessary, I say, not to a religious honest man, who is content with his estate; but to him who resolueth *hee will be rich*: for *they that will be rich (saith the Apostle) fall into temptations and snares, which drowne men in perdition and destruction.*

Prou. 5. 15.

Prou. 15. 16

1. Tim. 6. 9.

2 If it bee propounded, that trade and commerce betweene man and man cannot bee maintained in this Citie without borrowing and lending; that also is granted: *ὡς τῇ κοινῇ πολιτείᾳ, ἣ τῇ μετ' ἀλλήλων ἀναλλαγῇ ἀναγκαῖον*: *Common societie and mutuall conuersation* (saith S. Basil) doth require it of necessity. Gods law did euer intend that men should lend one to another; in charitie to the poore; in friendship to their equals, to receiue the like courtesie againe. Which dutie if men would performe, there were no necessitie of vsurie.

Luke 6.13.
τὸ ἰσχυρ.

3 The third point then followeth. Presupposing the custome and corruption of these times wherein men will not lend freely as they ought; is there not a necessitie of vsurie? Admit that be granted; who did impose this necessitie? If God; then is this reason good, *Vsurie is necessarie, therefore lawfull*. But if men or estates haue drawne a necessitie of sinning vpon themselves by the custome of sinne; doth this extenuate or aggravate the fault? *Woe be vnto them* (saith the Prophet *Esay*) *who draw sinne, as with cart-ropes*. Cities and Incorporations haue drawne a necessitie of this sinne vpon themselves by three strong cart-ropes of iniquitie. First, the hardnes of mens hearts, and want of charitie in those who be well able to lend and will not, haue forced many to pay vsurie. Secondly, the couetous desire and pride of borrowers, who out of an insatiable appetite to compass great matters, doe take vp great summes of money, for money; that no money is to bee spared for such as bee true borrowers indeede. *Woe vnto them that ioyne land to land, till there be no place for the poore to dwell in*. That is the Countrie woe. But vpon the same ground, it is inferred: *Woe vnto them who ioyne money to money, till there be none left for the poore to borrow*. This is the Citie woe; which bringeth a necessitie of borrowing vpon interest. Thirdly, falsehood and deceit in defrauding one another of their monies at the times appointed, so as being disappointed of their owne, they are compelled to take vp of others, or to shut vp their doores. These three fold cart-ropes, not casily broken, haue drawne a necessitie of vsurie vpon Cities. And shall

Esa. 5.18.

Esa. 5.3.

shall

shall it therefore be reputed no sinne? God forbid: It is no good consequence neither in persons nor estates.

Not in persons. *S. Paul* telleth vs of *an heart that cannot repent, which heapeeth vnto it selfe wrath against the day of wrath.* Is impenitencie in that heart no sinne, because custome hath made it necessarie?

Rom. 2. 5.

A drunkard hath brought his bodie into such an habit, that vnlesse hee drinke bountifullly, euen to the turning of his braine, he is sick againe. Is not drunkenness in that person sinfull, because so necessarie? A proud woman hath bin wedded so long vnto her will, that if she be crossed in it, she will goe mad for pride, like *Nebuchadnezzar*; or die of moordines, like a weesel in a cage. Shall her wilfulnesse be excused, because her diuellish stomack is growne too strong for her wit?

The time was when amongst the borderers, to liue vpon robbing and the spoile of their neighbours was a common trade: so as stealing was thought to be no sinne: but the 8. Commandement by them was deemed to be of King *Henrie* his putting in. Their reason was, for because that practise was so generall and so vsuall, as hee who made scruple to doe therein as others did, was himselfe made a prey vnto others. It must needs bee granted, that the necessitie of stealing amongst them, was greater by many degrees, then the necessitie of vsurie can bee in any Countrie or Citie whatsoeuer. And yet I make no question, but if the greatest Vsurer in the land had been Iudge amongst them, he would euen then haue condemned their theft, to bee against the law both of God and man: and condemned them also for making themselves such slaues vnto that sinne by their barbarous and vnciuill practises. I haue learned better manners then to compare our Vsurers with those borderers: For our vsurie, without comparison, is a farre more ciuill and mannerly theft then theirs euer was. Only my desire is, that they would be pleased to take notice of the weaknesse of this argument: that we must therefore needs allow of vsurie, because they haue made it necessarie. That they would

leauē those questions, *What shall we doe in this, and that, and the other case?* As if a good honest borderer being bred and borne amongst them, should complaine; Alas what should I doe! all my goods and cattel are carried and driuen away in one night, I wot not whither; I must either shift for my self, as the fashion is, or run my countrie, or starue at home. I hope in God this argument will neuer be so strong for vsurie amongst vs, as it hath been for theft amongst them: God forbid it should. And yet theft and robberie hath euer been a great sinne, euen where it hath been most necessary. In conclusion, that wee may not depriue necessitie of her right; she hath power to excuse the borrower, if she be vrgent vpon him and cannot be preuented. The borrower, I say, may lawfully giue vsurie, where ineuitable occasion shall inforce an inuincible necessitie. If hee borrow not to gaine by borrowing, but to preuent a greater losse: If other lawful meanes be wanting, either for the preservation of his credit and estate; or for the supplie of present wants, either of nature or person; If these occasions bee imposed and not drawne vpon him, by some former negligence or default: If he attempt to borrow no more then he shall be able to repay at the time; and if vpon such occasions hee cannot borrow freely, then is he no agent in the sinne, but a meere patient in the oppression of vsurie. But in case hee may borrow freely, and will not, out of a scornfull desire not to be beholding; or will disable himself by covenants, which he is no waies able to performe; or relieue himselfe by grating vpon others for excessiue gaine; or pull these snares vpon himselfe, either by liuing at too high a rate, or by improuident imploying of his stock, without reseruing a due proportion to defray charges and pay duties: in these cases euen the borrower himselfe may stand guiltie as accessarie to this sinne. And well is hee who can manage his estate with that prouident moderation, as he may say with the Prophet *Jeremie*, as we reade, chap. 15. 16. *I haue neither lent vpon vsurie, nor men haue lent to me vpon vsurie.* But for the lender, which is the Vsurer, there is no colour or pretence

tence of any such necessitie, which can befall him; seeing he hath authoritie from God as Steward of his blessings; and power amongst men as owner of his money; for varietie of lawfull and vndoubted imployments.

CHAP. V.

Of such cases as seeme vsurious, without appearance of iniquitie, or breach of charitie.



HE that turneth himselfe into an Angell of light, can set so faire a glosse vpon a worke of darknes, that the iniquitie of it will hardly be discerned. He can so cunningly twist good and euill together, that the appearance of vsurie shall be presented without shew of vniustice. These subtil

leights doe rather exercise the wit in vnfolding of them, then conuince a iudicious vnderstanding; that vsury should therefore be lawfull, because some cases be intricate. Be not all *Courts* of iustice and equitie full of such difficulties, where after long pleading and much debating, the wrong and vniustice is hardly discovered? He that shall heare our learned at the Law vpon the *Statute of Vsurie*, at their Readings, or otherwise, put and argue cases; what is within the meaning of the statute, and what not; will neuer maruell at the close conueiance of vniustice in the cunning practises of this age. And may not the like *Queries* be put what is within the meaning of the receiued definition of vsurie? Admit you may puzzle vs with some Cases so cunningly contriued, wherein we can finde no difference either in Iustice or Charitie from other lawfull contracts: It may be our bluntnes, who cannot pierce a hard case; or if no exception can bee taken, wee shall parallel it with another *quere*, whether it be within the definition of vsurie before

expressed or not? So that vpon the matter, if it appeare iust and lawfull, it shall not appeare vsurious. It may happilie border and coast vpon Vsurie; yet our conclusion shall still remaine intire: That *Vsurie properlie so called is simply vnlawfull.*

For our better direction amongst these difficulties, I will propound three rules; which being applied vnto particular cases, may enlighten vs for the vnfolding of the same.

1. First, *That which is good and lawfull, must be intire.* A little enormitie doth peruert the whole action, as *leuen sowreth the lumpe.* I speake not of such infirmities which humane frailtie doth cast vpon our deeds; for so our best actions be vnperfect: but all the ingrediencies which be essentiall, must bee iust and lawfull, else the act it selfe is not iustificable. It is in morality, as in Logicke, *the conclusion followeth the worst part.* If the least part of iniquitie appeare in any action morall, we thence conclude that action to be vnlawfull.

1. Cor. 5. 6.

My neighbour is readie to forfeit his land, being mortgaged to a mercilesse man, who gapeth for a prey: I lend him an hundred pound for a yeere to redeeme the same land, being of triple value: I couenant with him for so much interest as I am like to be damnified for want of my money. Here is iustice and mercy met together. I in mercy haue relieved my neighbour in his distresse; hee in equity doth saue me harmelesse: no man receiueth wrong; neither is the Common-wealth any waies preiudiced: The borrower only is redeemed from the mouth of the Lion: and though I take nine or ten pound interest of him, it is but as the opening of a veine to stanche a greater fluxe, by turning the course of blood: wherein it is a soueraigne thing to part with a little good blood, to preuent a greater mischiese.

a Col. 4. 1.
b 2. Cor.
8. 14.

In this case all circumstances considered, there seemeth to be that *iustice*, or equalitie, which the Apostle maketh the ground both of *a Iustice*, and *b Charity*. But there is one enormitie which marreth all the rest; in that a worke of charity is brought to the market, and set at a price; then which

which there is nothing more offensive or opposite to the nature of charity; which will haue all her deeds to be most free. To expell one poyson with another, or to preuent a greater euill by a lesse, holdeth well in physicke: But in Diuinitie we must not doe euill, either that good may come of it, or that euill may be preuented by it. *In peccatis error facit dilemma*: It is an erroneous conceit to imagine that one euill cannot be auoided but by committing of another. But if thou lend thy neighbour for his reliefe in this case, it may be thou shalt be damnified; for want of thy money, more then thy estate can well beare. Be it so: yet for al that, make no absolute couenant for interest vpon what *may be*; for it may be God will pay thy interest some other way within the reuolution of that yeere. If not: yet as thy damage being future is casual; so let thy couenant be conditionall: *If thou be thus or thus damnified, that then such or such satisfaction be made*. This is equall and iust interest, but no Vsurie.

The portion of an Orphan is put into the hands of a Company or Corporation: the principall is fullie secured: the child brought vp and maintained by the interest: That interest so easie as none hath iust cause to complaine of biting: many futors for the imployment of such stockes: A custome maintained by the indulgence of the statute: the onely Vsurie which our law doth leaue vnpunished: what vniustice then can there bee imputed to this practise? Or what offence is it either to God or man? Verily I must greatly commend your wisdome and prouidence in taking such a fatherly care for Orphans in so peruerse and crooked a generation. I must likewise most willingly subscribe to the graue moderation of our law, which hath passed ouer this practise of *Townes and Cities*, and let it alone: (for a toleration is all that from the law can bee inferred.) Notwithstanding by your gentle patience, when the best is made of it that can be, there is one thing in this which poisoneth all. You haue so disposed of Orphans goods by this order, that they be in farre better condition for their estate, then they could haue been by the painfull labours and honest

nest endeouours of their most wise and prouident Fathers, if they had been liuing; in whose hands their portion had then been subiect to negotiation; by that vnto perill; by perill to decay: this you hold to be a great vertue. Indeed it is too great for a vertue, which must euer hold a meane.

That order and practise which maketh Orphans no Orphans, by yeelding them a greater securitie of principall and certaintie of gaine, then God hath ordained, must needs be a thing inordinate in it selfe. And, which is worse, by this meanes Almighty God is turned out of office, by securing Orphans, euen against the act of God himselfe, who would be a father of the fatherlesse. For this, Vsurie hath provided a farre better fatherhood and more secure protection vpon earth for fatherlesse children, then their owne naturall fathers by their best industrie, could haue blessed them withal. Let the goods of an Orphan, on Gods name, by your faithfull administration, be of equall condition in the hand of a Company or Corporation, as it should haue been in the hand of a faithfull father: and this sufficeth, vnlesse it proceed out of your free bountie; else whatsoever is more then this, by way of administration, cometh of euill. This I write out of precise truth; leauing this your practise within the rule of *toleranda, non probanda*. Let vs then esteeme of it as a thing tolerable, yet with the acknowledgement of some blemish.

2 Our second rule is, *that the payson of Vsurie is in some contracts so closely and cunningly conueied, as the very turne of the intention of the mind may alter the case, to make it iust or vniust, the contract remaining one and the same.*

If the eye then be single, and the intention right, that which formally is vsurious, vpon the matter may in iustice be equiualent to a lawfull contract. If the intention looke awrie, that which in forme is lawfull, may in matter bee a paliat or cloaked Vsurie.

For A. to lend vnto B. an hundred pound for ten yeeres, the principall to be repayed yeerely by ten pound, and ten pound ouer and aboue to be giuen for the vse; this is plaine Vsurie

Vsurie within the statute. Therefore to preuent that statute, and to auoide this practise of an Vsurer, A. doth purchase of the said B. an annuall rent of twenty pound, for ten yeeres, with the same hundred pound. This is bargaine and sale; yet vpon the matter the very same vnder another forme of couenant: the very intention maketh it Vsurie; insomuch as if the intent could be discovered, by any precedent communication of borrowing, or other pregnant circumstances, the law would bring it within compasse of the statute for palliate or cloaked vsury. But if simply without any pretence such annuity of rent bee bought and sold, we cannot condemne it for Vsurie. Howbeit, if it be an vnreasonable bargaine, or be iniurious vnto any by circumstances, it may hee a breach of iustice and charitie in another kind.

A man buyeth a piece of land at a reasonable rate for readie monie; couenancing that in case hee shall repent of his purchase within one yeere after the payment of the money, that then at the yeeres end it shall be at his choice, either to retaine the land and continue his bargaine, or to haue that intire summe repaid backe againe, which he gaue for the land; and so the bargaine to be void. This case lieth so indifferent betweene an vsurious and a lawfull contract, that the very secret purpose and intention of the buyer doth alter it. For if the buyer had a simple intent to purchase the land indeed; yet desirous to reserue a libertie to himselfe, by one yeeres triall of his bargaine; and though at the yeeres end he shall take his money againe, for some inconuenience found, which before was not perceiued; or because in the meane time hee hath met with some other bargaine fitter for him; this is neither vsurie, nor vsurious. But if this buyer hauing this summe of money, which presently he cannot put to vsurie, with so good securitie as he would; doth therefore make this purchase but a colour, neuer intending to continue his bargaine, but only to keepe the land as a pawne for his principall; and to receiue that yeeres rent for the vse; this very intention maketh it grosse

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Vsurie;

Vsurie; and so altereth the case: the contract in words and in writing remaining one and the same.

3 Our third rule is: *That hee who delinereth a summe of money for a time, for some speciall designement couenanted and agreed vpon, declineth the nature of that loane, which in the definition is properly called mutuation.* For in mutuation the money is so lent, that the propertie is wholly passed ouer to the borrower. But when it is lent onely for such an imployment, the gaine whereof shall redound aswell to the lender as the borrower; herein the lender doth reserue vnto himself some propertie in the money so lent, even during the time of the loane. Which kind of loane doth bend the couenant somewhat from the nature of Vsurie, towards the contract of partnership: whereupon some couenants seeming vsurious, yet withall appearing iust and equall, are great inducements to make some men think that all vsurie is not simply vnlawfull. Whereof instance may be giuen in such and such cases: whereas indeed vpon due examination it may appeare, that as such contracts doe begin to bee iustificable; so doe they likewise decline the nature of Vsurie, in some part of the definition before expressed.

A moneyed man lendeth to his monileffe friend an hundred pound, not to vse at his pleasure, but to purchase such a lease for ten yeeres, which yeeldeth twentie foure pound of yeerely rent: couenancing with the borrower for nine pound a yeere parcell of the said rent, and for the payment of the principall, being likewise raised out of the said yeerly rent at the end of ten yeeres. Now what can there bee in this contract against any rule either of iustice or charitie? The purchase is reasonable; the interest redounding to the lender is a reasonable portion of the borrowers gaine; the borrower hath ten pound yeerely comming in, which in ten yeeres maketh vp the principall; he hath likewise the vse of that yeerely rent of ten pound freely for ten yeeres, and five pound cerraine rent ouerplus of cleere gaine. This seemeth to bee vsurie, for that it passeth vnder the vsuall termes of lending and borrowing. But vpon the matter it is rather

rather a contract of *societie* or *partnership*, for that the proper object of vsurie *mutuum*, doth here cease. For a summe of money so deliuered, is not properly lent: for that the lender continueth in part the owner of the money, reseruing some power and interest in the vse of the same. In these and such like couenants, if there bee any malignitie in the nature, or scandall in the forme; it proceedeth of vsurie. If any colour of equitie and iustice; it borroweth that from some honest and lawfull contract.

But let *enerie bird take his owne feather*, every neighbour contract resume that which is proper and peculiar to it self, that the nakednes of vsurie might appeare by it self; I make little question but the malignitie & deformitie of it would easily be perceiued. For so farre as these mixt contracts doe put on the habit of honestie, they doe withall relinquish and put off the nature of vsurie.

These cases I haue only propounded, to shew that as any vsurious contract doth approach vnto equitie; so farre forth it doth likewise decline the nature of vsurie, and bend it self towards some lawfull and honest couenant, which doth only coast vpon it. All which doth still fortifie the maine conclusion, *That vsurie properly so called, is simply unlawfull*; and that there is still some malignant qualitie in the verie nature of it: which together with vsurie, according to the seuerall degrees thereof, will discover it selfe.

CHAP. VI.

*Answering some reasons and wrestings of Scripture
for Vsurie.*



His Chapter is chiefly to be bent against the author of an English Treatise, who in this kinde of argument is singular by himselfe. Wherein I shall make the more speede, because hee hath been heretofore worthilie refuted, so much of him as was thought worthie the rehearsing. If any therefore

T 2

who

By Doctor
Dounham
in Psal. 15.

* Pag 197.

&c.

p. 277. &c.

p. 282. &c.

p. 284. &c.

p. 289. &c.

from 291.

vnto 309.

who hath seene that manuscript, bee in loue with his long discourse of *Masbah* and *Nashah*, and other vagrant conceits, I referre him for his better satisfaction to the said

* Answer.

That which most did trouble me in the perusing of the said discourse, was the number of reasons prouing the lawfulness of vsurie: for I told 32. numbred together in one place by figures in the margent; besides diuers others scattered out of order in other places. And verily if arguments might passe by number and not by weight, I should haue been much dismaied. But vpon examination I was bold, for being tedious, to reckon them as they doe ciphers in the practise of addition, *nought, nought, and nought is nought*; for 25. of those 32. reasons doe inferre these conclusions following.

That increase is lawfull: and that a man ought not to let his money take rust. That he needeth not to lend free lie to him who hath no neede to borrow; because that were to powre water into the Sea. That a iust recompence is due for the satisfaction of wrong: as if a man falsifie his word to my hindrance; if hee withhold my money against my will to my losse and his gaine; if he delay payment beyond the time limited, so as I am forced to take vp at tenne in the hundred; if I stand bound for a friend for principall and interest, he faileth and I pay it; if a father in law withhold his daughters portion to their preiudice; that in these cases some recompence is due. That the purchase of a fee-simple, or of an Annuitie for liues, is lawfull. That partnership is not to be misliked. That a rich man ought not to increase his wealth by a poore mans money; nor the tutor by the Orphans stocke, without some consideration. That a man pleased by the loane of money, ought to be thankful. That a Miller may require a Bakers custome for lending him summes of money, &c.

Herein the author hath taken great paines to belabour his owne shadow: for I know none who maketh any question of the lawfulness of these things. The other seuen reasons

sons doe seeme as it were somewhat to looke towards the point in question.

If a poore man ought to bee thankfull in word for the loane of money, then ought the rich man to be really thankfull in his kinde. It is very true, and what then? Then (saith the author) may he covenant or promise to be thankfull, if it be his durie so to be. I make no doubt but that hee may promise and performe his promise, much better then a poore man can; many other waies beside paying of vsurie. But had he proued it lawful for a rich man to be eight or tenne pound thankfull for the loane of an hundred, then had he approached neere the question.

It is all one to lend money and to lend a Cow freelee: therefore (saith he) it is all one to let money and to let a Cow for hire. I denie the consequence; many things may bee lent freely; which may not bee let for hire: a quart of milke, giuen by that Cow, may be lent, but not let. A Cow is werie for the milking, so is not money for the vsing, which shall be repaid in as currant peeces as it was lent.

But the argument which hee standeth much vpon, is Gods owne example: *Who paieeth interest for the poore, and therefore the rich ought to pay for themselves. God paieeth it for the poore, because they be not able to pay for themselves: the rich therefore ought to pay for themselves, because they be able. So that vsurie then must needs be paid either by God or man; by God for the poore, by the rich for themselves. Another reason to the same purpose: That wee must lend to the poore freely, and therefore must wee take vsurie of the rich. Vpon this ground (it seemeth) because God wil not pay for the rich, therefore they must pay for themselves. For it wil not out of his head, but that vsurie must be paid. Were it not for vsurie, he prophecieth, that the same confusion must needs fall vpon vs, which the Prophet Esaias threatneth against wicked and cursed nations. That is another reason. Nay: If vsurie be taken away, woe worth all the occupiers in the world. That is another reason. Adde them all together; they be assertions, prophecies, execrations, which say and asseuer,*

7

but prooue nothing. For Gods example for paying vsurie for the poore, is taken from a metaphoricall or borrowed speech, and therefore cannot stand vpon his owne ground. If it could, we might inferre strange conclusions frō Gods example; who returneth for giuing to the poore the principall, seuen fold, yea an hundred fold. Shall a rich man therefore pay so much vsurie? that would prooue a *Neshee* indeed. Yea, but *wee must lend freely to the poore; and therefore that we may inable our selues so to doe, we must take vsurie of the rich.* That is another reason, taken (as I suppose) from Standgate hole. For such reasons doe moue those good fellows to take a purse, that they may bee the better able to doe this and that; some of them purposing to doe some good with that they shall take. Yet all this will not make their act good, if themselues be taken.

§. 2.

By these reasons alreadie alleaged it is to bee hoped, though they be many, that this author is not much to bee feared for doing the cause any great hurt. Albeit hee hath presumed further in this theame then any I can finde euer did before, or I hope will do after him; in laying such violent hands vpon the booke of God; wresting that holie writ for the approbation, yea and the great commendation of vsurie. Being of the number of those whereof *Tertullian* speaketh: *Qui cadem faciunt scripturarum in materiam suam*: Who doe sell the Scriptures to support a rotten building.

Genes. 47.
30. 24.

First, in the Lebanon of the old Testament, hee hath hewne downe that worthie example of *Ioseph*: who as a-gent for *Pharao* King of Egypt, deliuered to his subiects (now become his seruants) not onely the vse of the land, but seed-corne also to sow the same; couenancing with them for the fifth part of yeerly rent to the King their Lord and master for euer. And verily the Egyptians in this case sat at an easie rent, paying but the fifth part, and enioying all the rest, onely for their paines in tilling the land; which by reason of Nilus was a very tender mold, that men might
water

water it with their feet; and therefore their tillage was no tough labour. But how is Vsurie built vpon this? What affinity hath this rent with interest? Forsooth you must vnderstand, that all manner of contract, couenant, or bargain whatsoever it be, is by him taken for Vsurie. If it be vniust or oppressing, then it is *Neshec*: which it pleaseth him to translate *mor surie*, not *vsurie*. If it bee equall and iust (as this of *Iosephs* was) then is it conscionable and lawfull Vsurie: in which sense, where *לֹא יִשָּׁךְ לְאִשְׁכּוּל וְלָא יִשָּׁךְ לְאִשְׁכּוּל*, is by all translators read, *that giueth not to Vsurie, nor taketh increase*: he turneth it, *To giue to Mor surie, or take a cutting rent*. So other places likewise, where those tearmes are to bee found, are by him very singularly expounded by the racking of lands and tenements, in such sort as tenants cannot live.

And all those texts of Scripture which do warrant either *apurchasing*, or *merchandizing*, or *letting*, or *lending*, or *tribute*, or any contract of gaine, are by him cut down to build vp Vsurie: so as if any shall be so vnmanerly as to put any difference betweene these contracts and Vsurie; then is all this great paines of his vterlie lost. Wondring with my selfe who should put these extrauagant conceits into his head; at the last I found them in *Bullinger*, vpon whom it seemeth hee groundeth himselfe; a most foundation to build vpon. For the same purpose the same Authormaketh much of Gods law for the releasing of debtors the seventh yeere; because poore men, for the Sabbath of the ground that yeere, wanted meanes to pay their debts: yet of them who were able to pay, it might be exacted. Behold (saith he) *the rich man must pay principall and vsurie both the seventh yeere; but not the poore: for there is the word Masbah, which signifieth vsurie; and the verbe Nashab, which signifieth to lend vpon vsurie. Oportet mandatum esse memorem.* Doth God release the poore, that Vsurie shall not bee exacted of them for that seventh yeere? Vsurie, I say, by vertue of your *Masbah*? then shall it bee lawfull other yeeres to exact it, euen of the poore; whom alone you labour to free from Vsurie.

Ezck. 18. 8.

Gen. 23.
16.Leuit.
25. 15.Prou. 31.
16.Ezek. 21.
27.

Reu. 18. 15.

Exod. 21.
15.

Luk. 19. 12.

Iam. 5. 4.

Decad. 3.
serm. 1.

Deut. 15. 2

Verl. 4.

surie. For doubtlesse that law did binde onely for the seuenth yeere, and no longer time: the poore therefore will con you little thanks for this argument.

Pro. 22. 16.

Yea but it is a prettie reason which hee hath framed out of Salomons Prouerbs: *He that oppresseth the poore to increase himselfe, and giveth to the rich, shall surely come to pouertie.* He noteth in the margent (a notable place to prooue that the rich ought to giue interest.) How is that proued? By the rule of contraries; as if Salomon contrariwise had said thus: *Hee that giveth to the poore free lie, and lendeth to the rich to encrease himselfe, shall vndoubtedly attaine vnto great wealth.* Indeed, *To attaine wealth, and to come vnto pouerty,* be contraries. Besides, I conceiue some antithesis betwixt *oppressing the poore to encrease himselfe;* and *giving vnto the poore freely.* Now *lending to the rich vpon vsurie,* hath crouded in the midst. How *lending* commeth in, passeth my vnderstanding: there is no mention in the text either of Usurie or loane. To giue to the rich in bribes, that hee may oppresse the poore, is a vice; or to oppresse the poore, that hee may the better giue vnto the rich: but is it therefore a vertue to lend to the rich vpon Usurie? and such a vertue as bringeth a blessing from God in stead of a curse? So saith the Author in direct termes: *Now the contrary vertue hath questionlesse the like opposite blessing, an equall and like reward of plenteousnesse.* This is more, I dare say, then euer Vsurers did hope for, or imagine: full glad would they be, if we could proue it a thing indifferent. To lend freely is a worke of mercie and bountie: to lend vnto the rich free lie is vitious; because superfluous; he compareth it to *pouring water into the sea;* yet to lend to the rich vpon Usurie, makes it very commendable. *A notable place to proue Usurie?* A notable wit that can extract Usurie out of such a place. For I dare say when Salomon spake this prouerbe, he thought no more of any such vertue, then he did of Alchymie.

Mat. 25. 27

From Prouerbs descend we vnto Parables. Parables and metaphors make fit groundcels for such buildings. Our Sauiour Christ in his parable of *Talents*, compareth the dispensation

penfation and vse of Spirituall gifts and graces, to the imployment of moneyes amongst worldlings; where a rich man delivereth summes to certaine occupiers, that hee might receiue his principall againe, *cum facere*, with Vsurie, or aduantage. Now it is verily thought, Christ would neuer haue made such comparisons, if Vsurie were not lawfull and honest.

οὐ τὸ ἀπο.

And I pray you, what honestie doe you find in the sudden breaking in of a theefe into a mans house in the night? yet Christ compareth his last comming euen vnto that. Nay more, what if the master had commended his seruant in this parable for dispensing his talents, as the Lord commended the vniust Steward for his wisdom? Then might it safely haue been concluded, that it is as lawfull and commendable a thing to take Vsurie, as for that Steward to robbe his master, and both alike. Nay, so farre is this parable from iustifying of Vsurers; that were it not a parable, I would haue vsed it as an argument against Vsurie. For whereas the seruant complaineth of his master, as of an *hard man, reaping where he sowed not, and gathering where he strowed not* (parables being spoken after the fashion of the world,) it should appeare that Vsurers in those times were hardly thought of, euen of meere worldly men, for reaping increase more then they sowed, out of talents and peeces of money, which haue no power of fructifying in themselues.

Mat. 24. 43.

That consequent which commonly is inferred from the rule of equitie, set downe by Christ, *Whatsoeuer you would that men should doe vnto you, doe you the same vnto them*, and therefore I may lawfully take so much vsurie of my neighbour, as I my selfe in his case would giue; is but a begging of the question: for it must be vnderstood of a iust and rectified will; else it can be no rule. If I pretend that I do no otherwise vnto him then my selfe in his case would be done vnto; we runne still vpon the question, whether my desire were then as it should be? For if I my selfe would borrow vpon vsurie, either to ingrosse or forestall, or to compassse some vnlawfull matter, this is a corrupt will and no rule.

V

But

3. Booke,
Chap. 4.

^a Holom. de
Vsur. 85.
^b Arist. Eth.
1.1.

But if my desire to borrow bee iust and lawfull (as in some cases before mentioned it may be) then is it no entire will; but mixt and forced by some necessity, for the auoiding of a greater euill; and therefore deemed in the eie both of a law and b reason to be no will at all. He that would borrow, should haue need to borrow; for a needlesse desire is vnlawfull: And hee who hath need to borrow, would not willingly borrow but for need; much lesse would hee pay Vsurie, if with conuenience he might borrow freely. Therefore the will of the borrower is in this case either corrupt, or no will at all; and so consequently without the compasse of Christ his rule.

Luk. 3. 13.

Come wee now to the argument of arguments, hatch-
ed only by this Author himselfe; whereupon he hath be-
stowed great cost and paines to bring it vnto perfection;
fitting vpon it for three leaues together in large folio. It is
grounded vpon *John Baptist* his answere to the Publicans:
Require no more then that which is appointed vnto you. Marke
the text well; for here commeth an argument will make
Vsurers to laugh and keepe holy day. The Author will de-
monstrate out of these very words (which a man would
little thinke at the first) that *John Baptist* did allow Vsurie
at twelue in the hundred: a rate which our statute law
would punish with the forfeiture of principall and all. Now
good Lord what a thing is this; that humane lawes in-
acted only to loppe and prune the superfluitie of mens acti-
ons, should be more strict and seuerer then the doctrine of
John Baptist in the wilderness; who laid the axe to the
root, cutting downe sinne, and burning vp iniquitie with
the spirit of *Elias*? Twelue in the hundred, with a quicker
returne then ordinarie: not fixe moneths, but *Centesima*
is it called, that is, one in the hundred monethly, which
John Baptist hath iustified.

And to proue the same, he bringeth a long discourse out
of *Tullie*, both for the approbation of *Centesima*, and for
the great honour and estimation that the *Publicans* were in
amongst the *Romanes*, who had not only authoritie to ga-
ther

ther tribute, customes, and publike reuenues; but also to employ them for the publike good. By reason whereof they practised the *Centesima* then allowed by the *Romanes*. These Publicans comming to *Iohn Baptist*, and demanding what they should do; *Iohn* bad them require no more then that which was appointed them. But the practise of *Centesima* was allowed vnto Publicans, by the *Romane* lawes; and therefore approoued of by *Iohn*, in his answer to their question. This in briebe is the very dint of his whole argument.

We will not fall out about the premisses. First, be it granted that the *Centesima* was allowed of by Heathenish lawes in *Tullie* his time amongst the *Romanes*; and amongst the *Grecians* before them; and among the *Persians* in the daies of *Nehemias*. Secondly, neither can it bee denied but the Publicans were much honoured in their place while they liued; and for their good seruices had their Images after death erected in *Rome* with a *regis* *transcriptum*. Thirdlie, wee confesse likewise that such Publicans had the employment of tributes, customes and publike reuenues for the best behoofe of the Common-wealth; and hereby hauing great store of money in likelihood, were great practisers of vsurie both for the publike and their owne private commodities.

But what of all this? Before that *Iohn Baptist* his answer doe make any thing to your purpose, two points must bee prooued, which lie yet vntouched. First, that those Publicans who came to *Iohn* his baptisme; had the like place, office and authoritie for publike goods, as those whereof *Tullie* writeth. Secondlie, you must prooue likewise, that this vsurie was an essentiall part of a Publicans office; else this text will conclude nothing for you. These haue you wisely passed over in silence; for I doubt you would much haue failed in the prooue of both.

The *Romane* Publicans had no small power committed to them for the weale publike, when ^a *Tullie* testifieth, that *Elos equitum Romanorum, ornamentum ciuitatis, firmamen-*

^a *Orat. pro*
Ca. Plancio.

^b Hieron.
epist. 146.
ad Damas.
^c 8ez. annot.
in Mat. 9.

10.

^d Mat. 9. 10

*Qui operā
suam ad
exactionem
tributorum
Romanis
locabant.*

nam reipub. Publicanorum ordine continentur. But the Publicans which *Iohn Bap.* spake with in Iordan, were Iewes, and not Romans, as is agreed by ^b old and ^c new Interpreters. ^d For Christ himselfe, who came after *Iohn*, was not sent, neither would send his Disciples, *but vnto the lost sheepe of the house of Israel.* *Matthew* an Apostle, and therefore a Iew, was a Publican: and so were many other Iewes who sat with Christ at meate. Now these Iewish Publicans were as much debased, as the other were honoured. Abased amongst the Iewes, because they were Publicans: and amongst the Romanes, because they were Iewes. These were hired to assist the Publicans in collecting of customes, or; at the most, they farmed the same of the Romanes; and did exact an ouerplus what they could get, for themselues. But for imploying the Emperors money in vsurie, or otherwise; the Romanes would looke to that themselues: as appeareth by that which *Plinie* writeth to *Traian* the Emperour, *Pecunia publica Domine providentiā tuā & ministerio nostro,* &c. By what warrant then can you conferre this charge vpon Iewish Publicans, which were but hirelings to the Romanes; the chiefe of them but factors of tole and tribute? who as for their office they were hated of their owne nation; so for their extreame exactions and forged cauillations, were they iustly reputed for infamous sinners. Some of these Publicans comming vnto *Iohn Baptist*, and being touched by his doctrine with a remorse, desired saluation amongst the rest: yet doubting whether their profession was capable, asked; *What shall wee doe?* *Iohn* doth not bid them giue over their calling, or cease to be Publicans: because although it seemed an odious thing to the Iewes, that those of their owne nation should serue the vncircumcised, for the abridgement of their libertie; who thought themselves so free: yet since tribute was due vnto *Cesar*, the office of gathering tribute could not be vnlawfull. But the covetous exacting of more then was due (being the common fault of Publicans) was the thing which *Iohn Baptist* would reforme in those words, *Require no more then is appointed*

vnto

unto you. Is not this agreed to be the simple meaning of the text? What haue we then to do with *Centesima*, or any kind of Vsurie in this place? Our Saviour Christ doth testifie of these kind of people, that they would lend freely to their friends without Vsurie, *for the like againe*. Yet I will not denie but these in all likelihood would also take Vsurie: for men of their liues would make little conscience, before their conuersion, either of Vsurie or any other crime. What then? must *Iohn Baptist* needs approve all such faults as he doth not expresse? He nominateth that only which is most pertinent and proper to the office of a Publican: including the rest in his generall exhortations: wherein Saint *Luke* testifieth that *Iohn* spake many moe things then be written. The exaction of more in the name of tribute or custome by forged cauillation then of right was due, was the crime of Publicans. But was it their onely fault? were the souldiers giuen to no other offences then those which *Iohn* did specify? was there want of no other vertue among the people, then that one which *Iohn* by name doth commend vnto them? These kind of arguments be too too slight; and I feare I must incurre the greatest blame my selfe, for standing too long about them.

Luke 6.34.

Luke 3.19.

CHAP. VII.

A recapitulation, with an inforcement of the premisses.



Now (Christian Reader) let vs aduise together in cold blood, for a Christian resolution, what is to be done in the case of vsurie. For what hath been said by way of argument on either side, wee haue heard. What I haue read, or can imagine may with any colour be alleaged in defence of it, hath been vrged with the best probabilitie that I can: for I had rather giue, then take aduantage in this kind. But alas, wee

2. Booke,
chap. 24.
sect. 2.3.
3. Booke
chap. 1.

b 2. Booke,
chap. 2.
sect. 2. 3. 4.
3. Booke,
chap. 2. 3.
4. 5. 6.

b see the best probabilities are but as figge leaues, shapen by the device of some few indulgent wits; to cover the nakednesse of that, which the law of God, of nature and of equitie hath discovered to bee deformed and shamefull in it selfe.

For the text of Scripture in the letter it selfe wee find no question to be made. For albeit some haue put interpretations and senses vpon the text, according to the fashion and varietie of conceit and apprehension (a thing practised for all opinions;) yet is it granted that the letter doth euery where condemne vsurie, both in the originall, and manifold translations, euen vnder the tearme of increase and ouerplus, the most harmelesse tearme that is, or can be given vnto it. Not any sentence of Scripture which mentioneth vsurie, but condemneth it, without exception, distinction, limitation, qualification, dispensation, or toleration amongst the people of God.

c 2. Booke,
chap. 3. 4. 5.

If wee remoue from the text to the ^c authoritie of Interpreters; I suppose we might truly auerre that, concerning this question, which the most impudent aduersarie that euer the Church had, durst neuer pretend for his assertion: That there was neuer any Church or Churchman, carrying the name of a Christian, who hath defended in writing any branch of vsurie, for the space of fiftene hundred yeres after Christ. Neither was this for want of occasion giuen; for it hath been both practised and written against in all ages. Neither can we with modestie impute it to the ignorance of the Church: for as she is acknowledged to be most eagle-sighted in the time of her puritie; so when she was overshadowed with superstition, her writers in cases of conscience for matters of moralitie were most exact; as by their schoole Diuinitie is euident to be seene. Yet where shall wee find any one, for so many ages of the Church, who could euer deuise a distinction to saue an Vsurers soule?

2. Booke,
c. 6. sect. 1.

About the time of *Luther*, this mystery of iniquity began a little to worke, but very cunningly cloaked vnder a new contract,

contract, tearmed *the contract of Redemption*: the very toleration whereof by the pope was reckoned by *Martin Luther* amongst the notes of Antichrist; so odious was Vsurie vnto him.

Afterwards many Christians of reformed Churches being vrged to flie for persecution, and to conuert their goods into money, yet wanting skill to imploy the same in a strange countrie; tender hearts thought it pitie that Vsurie in such a case were not lawfull; and nimble wits began to search, if the matter might not be so handled, and qualified by cautions and limitations, that some such thing as that we call Vsurie might be practised. For such is the subtilty of Satan, that if he cannot hinder the growth of good corne, yet tares shall grow vp with it. He thought that when men were so busied about the reforming of those grosse abuses of superstition; that then was the onely time to begin a new seed-plot of Vsurie, of Sacriledge, of libertie and profanenesse in the other extreme. Which vices, howsoeuer they were little feared or thought vpon in those daies; yet by this time we may easily perceiue to what ripenesse they bee growne, which then were but as feedes vnder the ground.

And that reuerend Diuine, Master *Caluin*, who was so timorous to satisfie his friend by epistle, in moderating this point of Vsurie; as if hee would haue cursed the times wherein such occasion was giuen: I perswade my selfe if he had then imagined what aduantage would after haue been taken of that little somewhat which there was said in fauor of Vsurie; that the dearest friend in the world should neuer haue moued him to haue moued pen to paper in that kind. But alas, what is that which is deliuered by him, and those few Diuines who ioyne with him in that assertion, whereupon a man may resolute? Nay, *saith *Caluin*, be it far from thee to resolute vpon that which I write in this kind. But admit a man will resolute more confidently vpon that which he then thought, then he himselfe could: Admit he wil venture his soule vpon whatsoeuer hath dropped at any time

2. Booke,
chap. 7.

2. Booke,
chap. 7.

*Tantum
absit ut
istud ate
pro edicto
aut axio-
mate habe-
ri velim,
vel in eo
plane ac-
quiescere.

*Calu. epist.
de Vsur.*

*d. Virel
Chatechis.
precept. 8.
e. Iunius in
Leuit. fine.
Zanch. in
epist. ad E-
phes. cap.
4. 8.
Hemingsius
in Psal. 15.*

time from that mans pen occasionally; what is that which hee and the rest haue deliuered, when they haue written most fauourable for Vsurie? If it be demanded whether it bee lawfull to take interest for the vse or loane of money; answere is returned by those supposed Patrons of Vsurie, that for ought they can see, it may bee lawfull so to doe; if we make no trade of it, but once or twice vpon occasion, and vse it not. If then, we deale no worse with our brother, then we would in the like case be dealt withall our selues: If we take it not of any who by pouerty is vrged to borrow: If the taking of it doe not any waies hinder the free loane to him that needeth: If the interest be but halfe of the borrowers gaine at the most: If we looke that the Commonweale be not bitten or preiudiced thereby: ^d If our Vsurie exceed not that which the lawes doe tolerate where wee dwell: ^e If the borrower besprinkle the creditor with some part of his increase, rather out of his voluntarie thankfulness, then by way of exaction: If the lender bee content to beare part of the borrowers losse, as well as of his gaine: If in case the principal do miscarrie without the borrowers fault, we ^a be content not only to remit the principall with the Vsurie, but to lend him afresh: Put all these Ifs together, and here is a peece of Vsurie which was neuer practised since the world stood, nor neuer will. And yet these be the cautions of the greatest patrons of Vsury that euer writ. After they haue examined the point, and answered, as they thinke, the reasons which are vsually brought against Vsury by the schoole; yet in conclusion put al their limitations together, they agree vpon no Vsurie at all, as it is before defined. Single them out one from another; there is not any one of them who dares defend any such ordinarie Vsury, as is amongst vs practised with the greatest moderation.

Alas poore simple soules, who haue receiued it by tradition I know not how, and do verilie perswade themselves, that many verie reuerend Diuines haue in their writings defended ten in the hundred to be very lawfull. Let the case then be put after the common intendment of the world: A
lay

lay man commeth to a Diuine and tels him; Sir, I haue a summe of money lying by me and little skill to imploy it: I know diuers would bee glad to borrow it, and giue mee good securitie. May I not lawfullie put it to vse for eight, nine or ten in the hundred, without so many ifs? I am no States man to know when, or how the Common-wealth is bitten or preiudiced by Vsurie: Neither can I tel what the borrowers gaine or losse is; he may deceiue me easily, or be ly himselfe, that he may borrow still: besides, I doe not loue to prie into other mens affaires, how they thriue. If hee gaine with my money, I shall be very glad; if he lose, it shall not be my fault; for I will not entreate him to borrow it: onely my desire is to be sure of mine owne with quietnesse, and some certaine moderate increase for my money, vntill I know how to imploy it otherwaies my selfe. Let this be the case: I haue not met with one Diuine, new or old, extant in print, who hath taken this question in hand to sift and examine, that durst yet determine this, or any other equivalent or like vnto this, to be lawfull.

Now if there bee any who doe animate their priuate friends to such practises, I cannot better resemble them then to those pestilent Heretickes, the *Carpocratians*, whereof *b Tertullian* and *Ireneus* write, who said the Apostles committed onely vulgar points of doctrine to writing, reseruing certain secret positions to be imparted to their speciall friends, who were perfect and able to receiue such vnwritten verities, as were by tradition to bee deliuered to some few. Now if there be any such concealed truth concerning Vsurie, which none must know but our speciall friends who haue grace to vse it well; I would to God it might be reuealed, together with the grounds whereupon it is built; that men may not runne their consciences blindfold in these practises vpon their owne destruction: thinking themselues in a good way, without any warrant either from sound reason or good authority.

§. 2.

As for authority, so likewise for reason, I haue done my

X

poore

*b De pra-
script ad-
uers. Her.
c 2. Booke,
chap. 24.
Apostolos
ita tradi-
disse dignis
simum.*

a. 2. Booke,
chap. 10.

poore endeauours to enquire after the grounds of this point; and haue found: First, that authoritie is so strong against the lawfulnessse of Vsurie, as that no man of modesty but will pause and make question of it; and therefore to him it must be vnlawfull, because doubtfull.

b 2. Booke,
chap. 11.

Next, that it is, and euer hath been of ill report; and therefore among Christians vnlawfull: because it causeth the enemy abroad to blaspheme our profession; and is scandalous to our brethren at home.

c 2. Booke,
chap. 12.

Thirdlie, that our statute law now in force simplie forbidding all Vsurie, or ouerplus for any loane whatsoever, being a wholesome and good law without exception, is to be obeyed by vertue of Gods law, even for conscience sake. In the pursuit of which argument, as I haue presumed to set downe what I conceiue concerning the force of this penal statute of Vsury: so haue I touched as necessarily incident to the same purpose, the binding power of humane lawes in generall. Wherein that I be not mistaken, vnderstand me to haue taken a middle way, betweene two assertions, both which seeme to me extreame. First, the * Church of Rome that shee might tyrannize ouer mens consciences at her pleasure, hath vsurped a power, not onely to dispence with the expresse law of God; but in place thereof to create new lawes, which shall haue equal binding power ouer the conscience with Gods law. For the better establishing of which vsurpation, some of her flatterers doe extend this binding to all humane lawes whatsoever: making no difference betwixt them and the law of God in this; but that the law of God and of man doe both alike bind the conscience. So be their words. * *Lex humana & diuina quoad obligationem non differunt: utraque enim obligat in conscientia, nunc ad mortale, nunc ad veniale peccatum, pro rerum ipsarum gravitate.* Which assertion, if it should take place, I see no reason but that wee of the Clergie should stand bound to studie and teach the people the Ciuill and Common lawes of our countrie, as well as the law of God; seeing their consciences doe stand equallie bound to both alike, which to

* Concil.
Trident.
sess. 24. de
sacram.
matrimon.
can. 3.

Bellarm.
Tom. I.
part. 2. de
laicis. lib.
3. cap. 11.

imagine

imagine were grosse impietie. Another sort there bee who doe auerre, that we are not any whit bound in conscience to humane lawes from the authoritie commanding, but meerely from the matter commanded: So as if the thing inacted by law bee not contained within the law of God or nature, it is no sinne before God to transgresse that statute. Humane lawes (say they) bee nothing, to the conscience, but only interpretations of lawes diuine and naturall. So as a subiect doth offend in transgressing a law, no otherwise then a patient in breaking the rule of diet prescribed by the Physition; wherein he doth offend God, not for disobeying the precept of the Physition; but for transgressing the rule of good health, which now is made manifest to him by the Physitions skill. In like manner, humane lawes do onely manifest and prescribe that which in conscience we were bound to obey before.

Now as the former assertion doth derogate from the Maiestie of Diuine law which is due vnto it; so doth this ouer much weaken that ordinance of God, which he hath established amongst men. *In mediocritissimis ibis.*

We haue therefore chosen the middle way, to wit, that men stand bound in conscience to obey good and wholesome lawes, not only from the nature of the thing enacted, but also in matters meerely indifferent, both because the generall obseruation thereof is available for the publicke good (which in charity we are bound to respect:) And also because we must bee subiect to that authority which is the ordinance of God: ^a Subiect, I say, not onlie in suffering the penaltie which the Apostle termeth *wrath*, but in obeying of lawfull commands, *euē for conscience sake*: for conscience sake, not because of any humane authoritie, (which of it selfe hath no command at all ouer the inward man) but onely by vertue of Gods law, which commandeth vs to obey authoritie: so as if wee shall willingly and wittingly transgresse; we shall sinne against God. Admit then that Vsurie were a thing in it selfe indifferent: yet haue we in England a bond lying vpon vs more then other

^b Gerson.
lib. de vita
spirituali,
sect. 4.
Almainus,
quest. 1. de
potestate
Eccles. cap.
12.
Vasquius,
quest. 12.
14. 29.

^a Rom. 13.
verse 5.

b Contro-
uer. 5. de
potest. Eccl.
circa leges
morum. q.
7. art. 2.
expl.
c 2. Booke,
chap. 13.

nations in regard of our positive law: Not onely *Ex ipsa
b legis utilitate*, as Stapleton would haue it; but in respect
of our subiection vnto a lawfull commanding authority, as
it is the ordinance of God.

Hauiing enquired yet further into the nature of vsurious
gaine, we haue found it to be most remote from that natu-
rall and most innocent increase which God established and
instituted amongst men: for that, money is not onely bar-
ren by nature, being a thing meerely artificiall; but also
void of all immediate vse in it selfe to the possessor while he
doth enioy it: So as the borrower giueth hire for the vse of
that whereof he can haue no vse but in disbursing of it, and
parring from it: and the lender taketh hire for the vse of
that, which vnto him can neither weare in the vsing, nor be
worfe for the wearing. And which is yet more vnkind; the
more this gaine doth increase and multiply, the more it
may; contrarie to all other increase both of nature, and
mans industrie.

2. Booke,
chap. 14.

Helping our eyesight by the rules of pietie and godli-
nesse, wee haue further found it to bee an vngodly gaine,
which is assured against every act of God, as Vsurie is. For
albeit in wisdom we must secure our selues by all lawfull
meanes against earthlie casualties, and the fraud of men:
yet notwithstanding in religion we ought most willingly
to depend vpon Diuine providence for our gaine, acknow-
ledging all our profit and increase to bee the blessing of
God.

2. Booke,
chap. 15.
sect. 1.

And as the first Table hath condemned Vsurie of im-
pietie, so hath the second conuincd it to be most vniust.
Vniust every way. It takes hire for loane, and setteth to sale
that most liberall and free act of charitie. It passeth over by
couenant al the hazard of the principall, and yet taketh hire
for the vse of the same, against the equitie of Gods law,
which saith, *the borrower must not make that good which came
for hire*. It receiueth great gaine without labour; cleere
gaine without cost; certaine gaine without perill; out of
the industrie, the charges, the meere vncertainties of the
borrower.

Exod. 22.
15.

borrower. * All the parties whom vsurie doth any waies concerne, haue condemned it to bee most wicked and odious. The Vsurers themselves are ashamed of their profession: the townes and cities where they dwell, dare not iustifie the trade, either of vsurie or brokage; but doe suffer the practise in secret only, as a worke of darknes. All sorts of borrowers condemne it, as being a cruell biting to the poore; a cursed snare to the prodigall; an instrument of oppression to rich borrowers; depriving them also who be of a midling fortune, of that most bountifull worke of charitie (free loane) which vnto them is most proper and peculiar. The Common-weale, and in it the poore people, may rue the time, that euer the least vsurie was left vnpunished; for their purse in the end must pay for all.

Yet for all this, if charitie might heale where iniquitie doth wound, it were the more tolerable. But vsurie as it peruerteth iustice every way; so doth it drie vp the verie fountaine of charitie, being naturally opposite thereunto; turning every thing to lucre and gaine, and straitning the bowels of compassion, which otherwise would dilate themselves, not onely in free giuing, but especially in liberrall lending, where money for a time might be spared.

§. 3.

These points haue been prooued in their severall places; what must be the conclusion then out of al these premisses? Charitie, Iustice, Pietie, Nature her selfe; the lawes of God, and of men; all authoritie ancient and moderne, ioyning their forces against the Vsurer, how can hee stand, inuironed with such a cloud of witnesses; or iustifie his conscience against the day of triall?

Yet few men there be in these daies who haue a remorse of this sinne, or doe take it to heart: their consciences be feared as with a hot iron, there is such a thick skin growne ouer their hearts, as they will hardly be circumcised in this point, Which senselesse stupiditie may easily be perceiued to proceed originally from three principall causes.

1 First, the generall practise of vsurie makes every one

* 2. Booke,
chap. 15.
sect. 2.

2. Booke,
chap. 16.

in particular to thinke that hee shall shift with his conscience, as well as others. Lord haue mercie vpon vs (saith he) if it be such a matter to take vsurie, what shall become of such, and such, who I am sure haue as good soules to God as I? I purpose not therefore to trouble my head for that matter. I pray God I haue no greater sinnes to answer for, and then I hope I shall doe well.

See the efficacie and power of example, when it growes common. It was placed before in the first ranke of motiues, perswading men that vsurie was lawfull, because it is so common. Now albeit example be too weake a reason to inferre any such conclusion; I hope even in the estimate of the weakest iudgement: yet thus farre it doth preuaile with many, to keepe their consciences from any great touch in this point; for they resolue themselues vndoubtedly, that it cannot be so hainous a sinne, which is so generall a practise amongst them of good account. Ah fearefull temptation, thus to be drawne into sinne by imitation! It was that which turned so many legions of Angels into Diuels, to see the brighter and more glorious spirits, leaue their station by disobedience. But did that mitigate Gods wrath towards them of inferiour ranke? *Habet ordo diuina iustitia, &c.* Diuine iustice required that they who were drawne into the same fall, should bee inwrapped in the same condemnation. When there were but two in all the world to transgresse, concerning that only forbidden fruite, the example of the one inticed the other. It was that which brought fire and brimstone vpon those goodly cities of the plaine, when abomination grew so commonly practised, *from the young euen to the old*, that one drew another from the highest to the lowest. Nay so forcible was this temptation, that a branch of vnnaturall sinne escaped the fire of Sodom, and light in a caue of the mountaine: thus the generall example of Sodom infected the familie of iust Lot. But did that extenuate the fault? Nothing lesse. *Moab was the father of the Moabites, and Ben-ammi of the Ammonites, for many generations.*

Iude 6.

Gen. 3. 6.

Gen. 19. 4.

Vers. 38.

2 Secondly,

2 Secondly, men take occasion from the question of v. surie, euen because it is a question, to arme themselves against all remorse and touch of conscience. For if they can once heare that it is questionable, they assume a libertie to themselves to chuse a side, and to practise according to that opinion which likes them best. But the grossenes of their error doth herein appeare; that vnderstanding diuines to bee somewhat diuided about vsurie, they doe presentlie imagine the point in question to bee this; whether the taking of nine, or tenne in the hundred, according to our ordinarie practise, bee lawfull. But alas, there is no such question amongst Diuines to be found in all their writings. I haue sought with all diligence my selfe; I haue enquired of others; and vpon examination, I finde not any published vpon this argument, who discussing this point doth defend any such thing. Many questions wee haue; what is vsurie, and what not. Some there be who defend certaine shreds of vsurie, euen to the raising of the definition; whose reasons wee haue met withall in their * places. Some also of the Iesuiticall brood (who to humour the people for their purposes, will dispense with any thing) haue hatched new deuices, how to defend profit by money, as good as vsurie euery whit, and yet no vsurie: cunningly twisted of three lawfull contracts; of the contract of societie, or partnership, and two kinds of assurances with the same partie: defended by ^a Io. Eckius, and notably discussed at ^b Rome by many learned Doctors, in my presence, saith ^c Gregorie de Valentia. A notable point no doubt, and well worthie the discussing. So faine would those Diuines giue the world some contentment for this practise of vsurie; that since they cannot with any face defend the old, they would be glad to create a new. But for an absolute couenant for tenne, nine, or eight in the hundred, according to the custome of Cities, amongst Diuines of any Church, I cannot yet finde a patron.

3 But the third & last impediment, which hindreth men from taking of this sinne to heart, is of all others the most fearefull,

* Pag. 8. 9.

10. 11. 12.

14. 36. 37.

38. 39. 40.

41. 42. 43.

44. 47. 49.

104. and

the whole

3. Booke.

^a Bononie.

^b Ann. 1581

^c Disput. 5.

q. 24. de so-

cietate

punct. 2.

feacefull to bee thought vpon, and yet I feare me most available. When men be once seasoned with vsury, and haue entangled themselues in the same by any settled practise; they bee after afraid to call it into question for disquieting their consciences. But blessed is that disquietnesse, which procureth eternall peace: and cursed bee that senselesse peace, which bringeth euerlasting torment. A sinfull soule must be disturbed here or elsewhere, there is no remedie: If we iudge not our selues before, we shall be iudged hereafter, when it will be too late to find mercie. Can men hope for mercie vnder a pretence of ignorance in this point? Verily if it were an invincible ignorance, God in mercie would passe it ouer, as he doth many other things, where the meanes of better information is wanting: But if it bee an affected and wilfull ignorance, it addeth sinne vnto sin. Now what is more affected then to decline and auoid the meanes of instruction and resolution, onelie because they will not disturbe and awaken their consciences out of so sweet a sleepe of securitie, for so sweete a gaine as vsury? If he did nothing but sleepe out his moneths, the moneys would come in.

Wee doe accuse some obstinate Recusants of wilfull blindnes, because they doe refuse the meanes of better instruction: yet the most wilfull amongst them can say thus much for themselves, that many learned men, and the Church of Rome for many ages, haue defended their cause. Which apologie of theirs, though vpon due examination it bee nothing; yet is it much more then euer could bee said for vsurie. For though the practise of it can pleade antiquitie, nothing more; yet was there neuer any Church, Orthodox, or Hereticall, which euer defended the same since the world stood. In some places it hath been tolerated. Tolerated, I say, and therefore not approoued of in any wise. As Master Beza for Geneva hath well obserued: *Fœnerari prohibet Christiana charitas: fœnus tamen propter hominum commercia multi magistratus vident se simpliciter prohibere non posse. Itaque (quod unum reliquum est)*

Annotat. in
Mat. 19.8.

est) fœneris modum certum constituent. An verò propterea fœnerari bonâ conscientia licet? Minimè profectò. Neq; enim ex legibus, sed ex dei verbo petenda est conscientia regula. Imò ne ciuiles quidem leges probant, sed damnant potius, quod duxat tolerant, cogente hominum improbitate: Christian charitie doth condemne vsurie: yet notwithstanding in regard of the entercourse of merchandize, or commerce betweene man and man, many Magistrates doe perceiue, how they cannot simply inhibit the same, therefore (that which remaineth only for them to doe) they stint and limit vsurie. But may a man therefore take vsurie with a good conscience? No verily (saith Beza) for the rule of conscience is to bee taken, not from the ciuill lawes of men, but from the word of God. Yea the Ciuill lawes themselues, do not approue, but rather condemne, that which they tolerate only, being vrged thereunto by the wickednesse of men. These be the very words of that famous Pastor of Geneva, which I haue set downe, to the end wee may take notice of the censure euen of that Church, wherein vsurie seemed most necessarie, and from which men haue taken their greatest encouragement, to venture their soules vpon this sinne.

Take notice therefore (Christian Reader) I beseech thee, that thou do not mistake vs, and deceiue thine owne soule. That thou maist not mistake, I haue laboured to be as plain as I can: And that I might not overburthen or ensnare thy conscience, I haue iustified such contracts and dealings with money for money, as may stand vpon iust and equall grounds. The ^a contract of association or partnership, where both parties are partners in gaine and losse, both depending vpon diuine prouidence for a blessing: That lawfull ^b interest which properly and truly is so called, when a mans money is forced or retained from him simply against his wil to his detriment; then to receiue satisfaction answerable to his damage: ^c Buying and selling for time in those few cases premised: ^d The thankfull gratuitie returned by the borrower out of his gain freely, without any precedent

Y

contract

^a Pag. 19.^b Pag. 20.^c Pag. 20.

21.

^d Pag. 27.

e Pag. 23.

24.

f Pag. 28.

29.

g Pag. 97.

h Pag. 124.

i Pag. 61.

62. 63.

contract or agreement for the same: That *e* *reall exchange*, which standeth iustificable vpon his owne grounds; if it be not poysoned, as commonly it is, with vsurie: *f* Those equal considerations of courtesie, where one good turne requires another, without couenant for certaintie of cleere gaine in money or money worth: *g* Those assurances where there is some equall aduenture, and where the hand of God in the losse lighteth vpon both parties: *h* To borrow vpon vsurie, in such cases of necessity, as are before expressed. Thus haue I yeelded as much as possibly I could, loth to intangle thy conscience, or to cast a snare vpon thee. And some fewe Diuines (I confesse) haue yeelded something more, then I can see good ground for. But that which I would haue thee to take especiall notice of, is, that an absolute couenant for the loane of thy money, for ten, or nine, or eight, or seuen, or fixe, is without warrant or authoritie, euen amongst those Diuines, who, vpon sisting and examining this point, haue concluded most fauourably for thee. Alas poore soule, whither wilt thou turne thy selfe for succour when thy best friends forsake thee? What wilt thou plead for thy selfe when thou comest before the eternall Iudge vpon thy triall? How dost thou hope to die a Christian, if thou liue a *vsurer*? Dost thou hope for remission in Christ Iesus? It must be then vpon thy true repentance, in abandoning that sinne. Canst thou plead ignorance? Take heed it be not wilfull and affected ignorance, then is it double iniquitie, which is more fearfull.

Be not obstinate then and wilfully ignorant: let not filthie lewes so blind thine eyes, that thou shouldest presume, either to defend or to practise that, vnder a pretence of ignorance, for which thou shalt finde neither sound reason nor good authoritie; neither approbation of God in Scripture, nor of any Christian Church, that is, or euer was vpon the face of the earth: look vnto it therefore, lest that fearfull censure of our blessed Saviour fall vpon thee, which fell on those accursed lewes: *Seeing they do not see, and hearing they doe not heare, neither understand. So in them is fulfilled the* prophesie

Marth. 13.

ver. 13. 14.

15.

prophecie of Esaias, which saith; By hearing ye shall heare and shall not vnderstand, and seeing yee shall see and shall not perceine. For this peoples heart is waxed fat, and their eares are dull of hearing, and with their eyes they haue winked, lest they should see with their eies, and heare with their eares, and vnderstand with their hearts, and should returne, that I might heale them.

A wofull censure: let him looke his conscience in that glasse, who will not looke into this point of vsurie for disquieting his conscience. I beseech the Father of heauen, by his spirit of grace, to dispossesse this age of that spirit of slumber, which maketh men like deafe Adders, to stop their eares at the voice of so many Charmers.

FINIS.

